

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 557**

**Representative Anielski**

**Cosponsors: Representatives Schuring, Reineke, Brenner, Antonio, Barnes, Kelly,  
Lepore-Hagan, Patmon, Sweeney**

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**A BILL**

To amend sections 109.572, 1701.03, 1705.03, 1  
1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 2  
1785.08, 4723.16, 4725.33, 4729.161, 4731.07, 3  
4731.071, 4731.226, 4731.24, 4731.25, 4731.65, 4  
4732.28, 4734.17, 4755.111, 4755.471, 4757.37, 5  
4776.01, and 4776.20 and to enact sections 6  
4785.01, 4785.02, 4785.03, 4785.04, 4785.05, 7  
4785.06, 4785.07, 4785.08, 4785.09, 4785.10, 8  
4785.11, 4785.12, 4785.13, 4785.14, and 4785.99 9  
of the Revised Code to require the licensure of 10  
art therapists and to require the State Medical 11  
Board to regulate the licensure and practice of 12  
art therapists. 13

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 109.572, 1701.03, 1705.03, 14  
1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 4723.16, 15  
4725.33, 4729.161, 4731.07, 4731.071, 4731.226, 4731.24, 16  
4731.25, 4731.65, 4732.28, 4734.17, 4755.111, 4755.471, 4757.37, 17  
4776.01, and 4776.20 be amended and sections 4785.01, 4785.02, 18

4785.03, 4785.04, 4785.05, 4785.06, 4785.07, 4785.08, 4785.09, 19  
4785.10, 4785.11, 4785.12, 4785.13, 4785.14, and 4785.99 of the 20  
Revised Code be enacted to read as follows: 21

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 22  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 23  
Code, a completed form prescribed pursuant to division (C) (1) of 24  
this section, and a set of fingerprint impressions obtained in 25  
the manner described in division (C) (2) of this section, the 26  
superintendent of the bureau of criminal identification and 27  
investigation shall conduct a criminal records check in the 28  
manner described in division (B) of this section to determine 29  
whether any information exists that indicates that the person 30  
who is the subject of the request previously has been convicted 31  
of or pleaded guilty to any of the following: 32

(a) A violation of section 2903.01, 2903.02, 2903.03, 33  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 34  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 35  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 36  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 37  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 38  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 39  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 40  
sexual penetration in violation of former section 2907.12 of the 41  
Revised Code, a violation of section 2905.04 of the Revised Code 42  
as it existed prior to July 1, 1996, a violation of section 43  
2919.23 of the Revised Code that would have been a violation of 44  
section 2905.04 of the Revised Code as it existed prior to July 45  
1, 1996, had the violation been committed prior to that date, or 46  
a violation of section 2925.11 of the Revised Code that is not a 47  
minor drug possession offense; 48

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A) (1) (a) of this section;

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other 79  
state, or the United States that is substantially equivalent to 80  
any of the offenses listed in division (A) (2) (a) of this 81  
section. 82

(3) On receipt of a request pursuant to section 173.27, 83  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 84  
5123.081, or 5123.169 of the Revised Code, a completed form 85  
prescribed pursuant to division (C) (1) of this section, and a 86  
set of fingerprint impressions obtained in the manner described 87  
in division (C) (2) of this section, the superintendent of the 88  
bureau of criminal identification and investigation shall 89  
conduct a criminal records check of the person for whom the 90  
request is made. The superintendent shall conduct the criminal 91  
records check in the manner described in division (B) of this 92  
section to determine whether any information exists that 93  
indicates that the person who is the subject of the request 94  
previously has been convicted of, has pleaded guilty to, or 95  
(except in the case of a request pursuant to section 5164.34, 96  
5164.341, or 5164.342 of the Revised Code) has been found 97  
eligible for intervention in lieu of conviction for any of the 98  
following, regardless of the date of the conviction, the date of 99  
entry of the guilty plea, or (except in the case of a request 100  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 101  
Revised Code) the date the person was found eligible for 102  
intervention in lieu of conviction: 103

(a) A violation of section 959.13, 959.131, 2903.01, 104  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 105  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 106  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 107  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 108  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 109

2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	110
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	111
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	112
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	113
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	114
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	115
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	116
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	117
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	118
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	119
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	120
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	121
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	122
(b) Felonious sexual penetration in violation of former	123
section 2907.12 of the Revised Code;	124
(c) A violation of section 2905.04 of the Revised Code as	125
it existed prior to July 1, 1996;	126
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	127
the Revised Code when the underlying offense that is the object	128
of the conspiracy, attempt, or complicity is one of the offenses	129
listed in divisions (A) (3) (a) to (c) of this section;	130
(e) A violation of an existing or former municipal	131
ordinance or law of this state, any other state, or the United	132
States that is substantially equivalent to any of the offenses	133
listed in divisions (A) (3) (a) to (d) of this section.	134
(4) On receipt of a request pursuant to section 2151.86 of	135
the Revised Code, a completed form prescribed pursuant to	136
division (C) (1) of this section, and a set of fingerprint	137
impressions obtained in the manner described in division (C) (2)	138

of this section, the superintendent of the bureau of criminal 139  
identification and investigation shall conduct a criminal 140  
records check in the manner described in division (B) of this 141  
section to determine whether any information exists that 142  
indicates that the person who is the subject of the request 143  
previously has been convicted of or pleaded guilty to any of the 144  
following: 145

(a) A violation of section 959.13, 2903.01, 2903.02, 146  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 147  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 148  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 149  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 150  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 151  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 152  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 153  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 154  
2927.12, or 3716.11 of the Revised Code, a violation of section 155  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 156  
a violation of section 2919.23 of the Revised Code that would 157  
have been a violation of section 2905.04 of the Revised Code as 158  
it existed prior to July 1, 1996, had the violation been 159  
committed prior to that date, a violation of section 2925.11 of 160  
the Revised Code that is not a minor drug possession offense, 161  
two or more OVI or OVUAC violations committed within the three 162  
years immediately preceding the submission of the application or 163  
petition that is the basis of the request, or felonious sexual 164  
penetration in violation of former section 2907.12 of the 165  
Revised Code; 166

(b) A violation of an existing or former law of this 167  
state, any other state, or the United States that is 168  
substantially equivalent to any of the offenses listed in 169

division (A) (4) (a) of this section. 170

(5) Upon receipt of a request pursuant to section 5104.013 171  
of the Revised Code, a completed form prescribed pursuant to 172  
division (C) (1) of this section, and a set of fingerprint 173  
impressions obtained in the manner described in division (C) (2) 174  
of this section, the superintendent of the bureau of criminal 175  
identification and investigation shall conduct a criminal 176  
records check in the manner described in division (B) of this 177  
section to determine whether any information exists that 178  
indicates that the person who is the subject of the request has 179  
been convicted of or pleaded guilty to any of the following: 180

(a) A violation of section 2151.421, 2903.01, 2903.02, 181  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 182  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 183  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 184  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 185  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 186  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 187  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 188  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 189  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 190  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 191  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 192  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 193  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 194  
3716.11 of the Revised Code, felonious sexual penetration in 195  
violation of former section 2907.12 of the Revised Code, a 196  
violation of section 2905.04 of the Revised Code as it existed 197  
prior to July 1, 1996, a violation of section 2919.23 of the 198  
Revised Code that would have been a violation of section 2905.04 199  
of the Revised Code as it existed prior to July 1, 1996, had the 200

violation been committed prior to that date, a violation of 201  
section 2925.11 of the Revised Code that is not a minor drug 202  
possession offense, a violation of section 2923.02 or 2923.03 of 203  
the Revised Code that relates to a crime specified in this 204  
division, or a second violation of section 4511.19 of the 205  
Revised Code within five years of the date of application for 206  
licensure or certification. 207

(b) A violation of an existing or former law of this 208  
state, any other state, or the United States that is 209  
substantially equivalent to any of the offenses or violations 210  
described in division (A) (5) (a) of this section. 211

(6) Upon receipt of a request pursuant to section 5153.111 212  
of the Revised Code, a completed form prescribed pursuant to 213  
division (C) (1) of this section, and a set of fingerprint 214  
impressions obtained in the manner described in division (C) (2) 215  
of this section, the superintendent of the bureau of criminal 216  
identification and investigation shall conduct a criminal 217  
records check in the manner described in division (B) of this 218  
section to determine whether any information exists that 219  
indicates that the person who is the subject of the request 220  
previously has been convicted of or pleaded guilty to any of the 221  
following: 222

(a) A violation of section 2903.01, 2903.02, 2903.03, 223  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 224  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 225  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 226  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 227  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 228  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 229  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 230



Code, felonious sexual penetration in violation of former 231  
section 2907.12 of the Revised Code, a violation of section 232  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 233  
a violation of section 2919.23 of the Revised Code that would 234  
have been a violation of section 2905.04 of the Revised Code as 235  
it existed prior to July 1, 1996, had the violation been 236  
committed prior to that date, or a violation of section 2925.11 237  
of the Revised Code that is not a minor drug possession offense; 238

(b) A violation of an existing or former law of this 239  
state, any other state, or the United States that is 240  
substantially equivalent to any of the offenses listed in 241  
division (A) (6) (a) of this section. 242

(7) On receipt of a request for a criminal records check 243  
from an individual pursuant to section 4749.03 or 4749.06 of the 244  
Revised Code, accompanied by a completed copy of the form 245  
prescribed in division (C) (1) of this section and a set of 246  
fingerprint impressions obtained in a manner described in 247  
division (C) (2) of this section, the superintendent of the 248  
bureau of criminal identification and investigation shall 249  
conduct a criminal records check in the manner described in 250  
division (B) of this section to determine whether any 251  
information exists indicating that the person who is the subject 252  
of the request has been convicted of or pleaded guilty to a 253  
felony in this state or in any other state. If the individual 254  
indicates that a firearm will be carried in the course of 255  
business, the superintendent shall require information from the 256  
federal bureau of investigation as described in division (B) (2) 257  
of this section. Subject to division (F) of this section, the 258  
superintendent shall report the findings of the criminal records 259  
check and any information the federal bureau of investigation 260  
provides to the director of public safety. 261

(8) On receipt of a request pursuant to section 1321.37, 262  
1321.53, or 4763.05 of the Revised Code, a completed form 263  
prescribed pursuant to division (C)(1) of this section, and a 264  
set of fingerprint impressions obtained in the manner described 265  
in division (C)(2) of this section, the superintendent of the 266  
bureau of criminal identification and investigation shall 267  
conduct a criminal records check with respect to any person who 268  
has applied for a license, permit, or certification from the 269  
department of commerce or a division in the department. The 270  
superintendent shall conduct the criminal records check in the 271  
manner described in division (B) of this section to determine 272  
whether any information exists that indicates that the person 273  
who is the subject of the request previously has been convicted 274  
of or pleaded guilty to any of the following: a violation of 275  
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 276  
Revised Code; any other criminal offense involving theft, 277  
receiving stolen property, embezzlement, forgery, fraud, passing 278  
bad checks, money laundering, or drug trafficking, or any 279  
criminal offense involving money or securities, as set forth in 280  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 281  
the Revised Code; or any existing or former law of this state, 282  
any other state, or the United States that is substantially 283  
equivalent to those offenses. 284

(9) On receipt of a request for a criminal records check 285  
from the treasurer of state under section 113.041 of the Revised 286  
Code or from an individual under section 4701.08, 4715.101, 287  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 288  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 289  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 290  
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 291  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 292

4776.021, 4778.04, 4778.07, 4779.091, ~~or~~ 4783.04, or 4785.06 of 293  
the Revised Code, accompanied by a completed form prescribed 294  
under division (C) (1) of this section and a set of fingerprint 295  
impressions obtained in the manner described in division (C) (2) 296  
of this section, the superintendent of the bureau of criminal 297  
identification and investigation shall conduct a criminal 298  
records check in the manner described in division (B) of this 299  
section to determine whether any information exists that 300  
indicates that the person who is the subject of the request has 301  
been convicted of or pleaded guilty to any criminal offense in 302  
this state or any other state. Subject to division (F) of this 303  
section, the superintendent shall send the results of a check 304  
requested under section 113.041 of the Revised Code to the 305  
treasurer of state and shall send the results of a check 306  
requested under any of the other listed sections to the 307  
licensing board specified by the individual in the request. 308

(10) On receipt of a request pursuant to section 1121.23, 309  
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 310  
form prescribed pursuant to division (C) (1) of this section, and 311  
a set of fingerprint impressions obtained in the manner 312  
described in division (C) (2) of this section, the superintendent 313  
of the bureau of criminal identification and investigation shall 314  
conduct a criminal records check in the manner described in 315  
division (B) of this section to determine whether any 316  
information exists that indicates that the person who is the 317  
subject of the request previously has been convicted of or 318  
pleaded guilty to any criminal offense under any existing or 319  
former law of this state, any other state, or the United States. 320

(11) On receipt of a request for a criminal records check 321  
from an appointing or licensing authority under section 3772.07 322  
of the Revised Code, a completed form prescribed under division 323

(C) (1) of this section, and a set of fingerprint impressions 324  
obtained in the manner prescribed in division (C) (2) of this 325  
section, the superintendent of the bureau of criminal 326  
identification and investigation shall conduct a criminal 327  
records check in the manner described in division (B) of this 328  
section to determine whether any information exists that 329  
indicates that the person who is the subject of the request 330  
previously has been convicted of or pleaded guilty or no contest 331  
to any offense under any existing or former law of this state, 332  
any other state, or the United States that is a disqualifying 333  
offense as defined in section 3772.07 of the Revised Code or 334  
substantially equivalent to such an offense. 335

(12) On receipt of a request pursuant to section 2151.33 336  
or 2151.412 of the Revised Code, a completed form prescribed 337  
pursuant to division (C) (1) of this section, and a set of 338  
fingerprint impressions obtained in the manner described in 339  
division (C) (2) of this section, the superintendent of the 340  
bureau of criminal identification and investigation shall 341  
conduct a criminal records check with respect to any person for 342  
whom a criminal records check is required under that section. 343  
The superintendent shall conduct the criminal records check in 344  
the manner described in division (B) of this section to 345  
determine whether any information exists that indicates that the 346  
person who is the subject of the request previously has been 347  
convicted of or pleaded guilty to any of the following: 348

(a) A violation of section 2903.01, 2903.02, 2903.03, 349  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 350  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 351  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 352  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 353  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 354

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 355  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 356  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 357

(b) An existing or former law of this state, any other 358  
state, or the United States that is substantially equivalent to 359  
any of the offenses listed in division (A)(12)(a) of this 360  
section. 361

(13) On receipt of a request pursuant to section 3796.12 362  
of the Revised Code, a completed form prescribed pursuant to 363  
division (C)(1) of this section, and a set of fingerprint 364  
impressions obtained in a manner described in division (C)(2) of 365  
this section, the superintendent of the bureau of criminal 366  
identification and investigation shall conduct a criminal 367  
records check in the manner described in division (B) of this 368  
section to determine whether any information exists that 369  
indicates that the person who is the subject of the request 370  
previously has been convicted of or pleaded guilty to the 371  
following: 372

(a) A disqualifying offense as specified in rules adopted 373  
under division (B)(2)(b) of section 3796.03 of the Revised Code 374  
if the person who is the subject of the request is an 375  
administrator or other person responsible for the daily 376  
operation of, or an owner or prospective owner, officer or 377  
prospective officer, or board member or prospective board member 378  
of, an entity seeking a license from the department of commerce 379  
under Chapter 3796. of the Revised Code; 380

(b) A disqualifying offense as specified in rules adopted 381  
under division (B)(2)(b) of section 3796.04 of the Revised Code 382  
if the person who is the subject of the request is an 383  
administrator or other person responsible for the daily 384

operation of, or an owner or prospective owner, officer or 385  
prospective officer, or board member or prospective board member 386  
of, an entity seeking a license from the state board of pharmacy 387  
under Chapter 3796. of the Revised Code. 388

(14) On receipt of a request required by section 3796.13 389  
of the Revised Code, a completed form prescribed pursuant to 390  
division (C)(1) of this section, and a set of fingerprint 391  
impressions obtained in a manner described in division (C)(2) of 392  
this section, the superintendent of the bureau of criminal 393  
identification and investigation shall conduct a criminal 394  
records check in the manner described in division (B) of this 395  
section to determine whether any information exists that 396  
indicates that the person who is the subject of the request 397  
previously has been convicted of or pleaded guilty to the 398  
following: 399

(a) A disqualifying offense as specified in rules adopted 400  
under division (B)(8)(a) of section 3796.03 of the Revised Code 401  
if the person who is the subject of the request is seeking 402  
employment with an entity licensed by the department of commerce 403  
under Chapter 3796. of the Revised Code; 404

(b) A disqualifying offense as specified in rules adopted 405  
under division (B)(14)(a) of section 3796.04 of the Revised Code 406  
if the person who is the subject of the request is seeking 407  
employment with an entity licensed by the state board of 408  
pharmacy under Chapter 3796. of the Revised Code. 409

(B) Subject to division (F) of this section, the 410  
superintendent shall conduct any criminal records check to be 411  
conducted under this section as follows: 412

(1) The superintendent shall review or cause to be 413

reviewed any relevant information gathered and compiled by the 414  
bureau under division (A) of section 109.57 of the Revised Code 415  
that relates to the person who is the subject of the criminal 416  
records check, including, if the criminal records check was 417  
requested under section 113.041, 121.08, 173.27, 173.38, 418  
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 419  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 420  
3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 421  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 422  
5153.111 of the Revised Code, any relevant information contained 423  
in records that have been sealed under section 2953.32 of the 424  
Revised Code; 425

(2) If the request received by the superintendent asks for 426  
information from the federal bureau of investigation, the 427  
superintendent shall request from the federal bureau of 428  
investigation any information it has with respect to the person 429  
who is the subject of the criminal records check, including 430  
fingerprint-based checks of national crime information databases 431  
as described in 42 U.S.C. 671 if the request is made pursuant to 432  
section 2151.86 or 5104.013 of the Revised Code or if any other 433  
Revised Code section requires fingerprint-based checks of that 434  
nature, and shall review or cause to be reviewed any information 435  
the superintendent receives from that bureau. If a request under 436  
section 3319.39 of the Revised Code asks only for information 437  
from the federal bureau of investigation, the superintendent 438  
shall not conduct the review prescribed by division (B) (1) of 439  
this section. 440

(3) The superintendent or the superintendent's designee 441  
may request criminal history records from other states or the 442  
federal government pursuant to the national crime prevention and 443  
privacy compact set forth in section 109.571 of the Revised 444

Code. 445

(4) The superintendent shall include in the results of the 446  
criminal records check a list or description of the offenses 447  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 448  
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 449  
whichever division requires the superintendent to conduct the 450  
criminal records check. The superintendent shall exclude from 451  
the results any information the dissemination of which is 452  
prohibited by federal law. 453

(5) The superintendent shall send the results of the 454  
criminal records check to the person to whom it is to be sent 455  
not later than the following number of days after the date the 456  
superintendent receives the request for the criminal records 457  
check, the completed form prescribed under division (C) (1) of 458  
this section, and the set of fingerprint impressions obtained in 459  
the manner described in division (C) (2) of this section: 460

(a) If the superintendent is required by division (A) of 461  
this section (other than division (A) (3) of this section) to 462  
conduct the criminal records check, thirty; 463

(b) If the superintendent is required by division (A) (3) 464  
of this section to conduct the criminal records check, sixty. 465

(C) (1) The superintendent shall prescribe a form to obtain 466  
the information necessary to conduct a criminal records check 467  
from any person for whom a criminal records check is to be 468  
conducted under this section. The form that the superintendent 469  
prescribes pursuant to this division may be in a tangible 470  
format, in an electronic format, or in both tangible and 471  
electronic formats. 472

(2) The superintendent shall prescribe standard impression 473



474 sheets to obtain the fingerprint impressions of any person for  
475 whom a criminal records check is to be conducted under this  
476 section. Any person for whom a records check is to be conducted  
477 under this section shall obtain the fingerprint impressions at a  
478 county sheriff's office, municipal police department, or any  
479 other entity with the ability to make fingerprint impressions on  
480 the standard impression sheets prescribed by the superintendent.  
481 The office, department, or entity may charge the person a  
482 reasonable fee for making the impressions. The standard  
483 impression sheets the superintendent prescribes pursuant to this  
484 division may be in a tangible format, in an electronic format,  
485 or in both tangible and electronic formats.

486 (3) Subject to division (D) of this section, the  
487 superintendent shall prescribe and charge a reasonable fee for  
488 providing a criminal records check under this section. The  
489 person requesting the criminal records check shall pay the fee  
490 prescribed pursuant to this division. In the case of a request  
491 under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47,  
492 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the  
493 fee shall be paid in the manner specified in that section.

494 (4) The superintendent of the bureau of criminal  
495 identification and investigation may prescribe methods of  
496 forwarding fingerprint impressions and information necessary to  
497 conduct a criminal records check, which methods shall include,  
498 but not be limited to, an electronic method.

499 (D) The results of a criminal records check conducted  
500 under this section, other than a criminal records check  
501 specified in division (A) (7) of this section, are valid for the  
502 person who is the subject of the criminal records check for a  
503 period of one year from the date upon which the superintendent

completes the criminal records check. If during that period the 504  
superintendent receives another request for a criminal records 505  
check to be conducted under this section for that person, the 506  
superintendent shall provide the results from the previous 507  
criminal records check of the person at a lower fee than the fee 508  
prescribed for the initial criminal records check. 509

(E) When the superintendent receives a request for 510  
information from a registered private provider, the 511  
superintendent shall proceed as if the request was received from 512  
a school district board of education under section 3319.39 of 513  
the Revised Code. The superintendent shall apply division (A) (1) 514  
(c) of this section to any such request for an applicant who is 515  
a teacher. 516

(F) (1) Subject to division (F) (2) of this section, all 517  
information regarding the results of a criminal records check 518  
conducted under this section that the superintendent reports or 519  
sends under division (A) (7) or (9) of this section to the 520  
director of public safety, the treasurer of state, or the 521  
person, board, or entity that made the request for the criminal 522  
records check shall relate to the conviction of the subject 523  
person, or the subject person's plea of guilty to, a criminal 524  
offense. 525

(2) Division (F) (1) of this section does not limit, 526  
restrict, or preclude the superintendent's release of 527  
information that relates to the arrest of a person who is 528  
eighteen years of age or older, to an adjudication of a child as 529  
a delinquent child, or to a criminal conviction of a person 530  
under eighteen years of age in circumstances in which a release 531  
of that nature is authorized under division (E) (2), (3), or (4) 532  
of section 109.57 of the Revised Code pursuant to a rule adopted 533

under division (E) (1) of that section. 534

(G) As used in this section: 535

(1) "Criminal records check" means any criminal records 536  
check conducted by the superintendent of the bureau of criminal 537  
identification and investigation in accordance with division (B) 538  
of this section. 539

(2) "Minor drug possession offense" has the same meaning 540  
as in section 2925.01 of the Revised Code. 541

(3) "OVI or OVUAC violation" means a violation of section 542  
4511.19 of the Revised Code or a violation of an existing or 543  
former law of this state, any other state, or the United States 544  
that is substantially equivalent to section 4511.19 of the 545  
Revised Code. 546

(4) "Registered private provider" means a nonpublic school 547  
or entity registered with the superintendent of public 548  
instruction under section 3310.41 of the Revised Code to 549  
participate in the autism scholarship program or section 3310.58 550  
of the Revised Code to participate in the Jon Peterson special 551  
needs scholarship program. 552

**Sec. 1701.03.** (A) A corporation may be formed under this 553  
chapter for any purpose or combination of purposes for which 554  
individuals lawfully may associate themselves, except that, if 555  
the Revised Code contains special provisions pertaining to the 556  
formation of any designated type of corporation other than a 557  
professional association, as defined in section 1785.01 of the 558  
Revised Code, a corporation of that type shall be formed in 559  
accordance with the special provisions. 560

(B) On and after July 1, 1994, a corporation may be formed 561  
under this chapter for the purpose of carrying on the practice 562

of any profession, including, but not limited to, a corporation 563  
for the purpose of providing public accounting or certified 564  
public accounting services, a corporation for the erection, 565  
owning, and conducting of a sanitarium for receiving and caring 566  
for patients, medical and hygienic treatment of patients, and 567  
instruction of nurses in the treatment of disease and in 568  
hygiene, a corporation for the purpose of providing 569  
architectural, landscape architectural, professional 570  
engineering, or surveying services or any combination of those 571  
types of services, and a corporation for the purpose of 572  
providing a combination of the professional services, as defined 573  
in section 1785.01 of the Revised Code, of optometrists 574  
authorized under Chapter 4725. of the Revised Code, 575  
chiropractors authorized under Chapter 4734. of the Revised Code 576  
to practice chiropractic or acupuncture, psychologists 577  
authorized under Chapter 4732. of the Revised Code, registered 578  
or licensed practical nurses authorized under Chapter 4723. of 579  
the Revised Code, pharmacists authorized under Chapter 4729. of 580  
the Revised Code, physical therapists authorized under sections 581  
4755.40 to 4755.56 of the Revised Code, occupational therapists 582  
authorized under sections 4755.04 to 4755.13 of the Revised 583  
Code, mechanotherapists authorized under section 4731.151 of the 584  
Revised Code, doctors of medicine and surgery, osteopathic 585  
medicine and surgery, or podiatric medicine and surgery 586  
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 587  
professional clinical counselors, licensed professional 588  
counselors, independent social workers, social workers, 589  
independent marriage and family therapists, or marriage and 590  
family therapists authorized under Chapter 4757. of the Revised 591  
Code, and art therapists authorized under Chapter 4785. of the 592  
Revised Code. 593

This chapter does not restrict, limit, or otherwise affect 594  
the authority or responsibilities of any agency, board, 595  
commission, department, office, or other entity to license, 596  
register, and otherwise regulate the professional conduct of 597  
individuals or organizations of any kind rendering professional 598  
services, as defined in section 1785.01 of the Revised Code, in 599  
this state or to regulate the practice of any profession that is 600  
within the jurisdiction of the agency, board, commission, 601  
department, office, or other entity, notwithstanding that an 602  
individual is a director, officer, employee, or other agent of a 603  
corporation formed under this chapter and is rendering 604  
professional services or engaging in the practice of a 605  
profession through a corporation formed under this chapter or 606  
that the organization is a corporation formed under this 607  
chapter. 608

(C) Nothing in division (A) or (B) of this section 609  
precludes the organization of a professional association in 610  
accordance with this chapter and Chapter 1785. of the Revised 611  
Code or the formation of a limited liability company under 612  
Chapter 1705. of the Revised Code with respect to a business, as 613  
defined in section 1705.01 of the Revised Code. 614

(D) No corporation formed for the purpose of providing a 615  
combination of the professional services, as defined in section 616  
1785.01 of the Revised Code, of optometrists authorized under 617  
Chapter 4725. of the Revised Code, chiropractors authorized 618  
under Chapter 4734. of the Revised Code to practice chiropractic 619  
or acupuncture, psychologists authorized under Chapter 4732. of 620  
the Revised Code, registered or licensed practical nurses 621  
authorized under Chapter 4723. of the Revised Code, pharmacists 622  
authorized under Chapter 4729. of the Revised Code, physical 623  
therapists authorized under sections 4755.40 to 4755.56 of the 624

Revised Code, occupational therapists authorized under sections 625  
4755.04 to 4755.13 of the Revised Code, mechanotherapists 626  
authorized under section 4731.151 of the Revised Code, doctors 627  
of medicine and surgery, osteopathic medicine and surgery, or 628  
podiatric medicine and surgery authorized under Chapter 4731. of 629  
the Revised Code, ~~and~~ licensed professional clinical counselors, 630  
licensed professional counselors, independent social workers, 631  
social workers, independent marriage and family therapists, or 632  
marriage and family therapists authorized under Chapter 4757. of 633  
the Revised Code, and art therapists authorized under Chapter 634  
4785. of the Revised Code shall control the professional 635  
clinical judgment exercised within accepted and prevailing 636  
standards of practice of a licensed, certificated, or otherwise 637  
legally authorized optometrist, chiropractor, chiropractor 638  
practicing acupuncture through the state chiropractic board, 639  
psychologist, nurse, pharmacist, physical therapist, 640  
occupational therapist, mechanotherapist, doctor of medicine and 641  
surgery, osteopathic medicine and surgery, or podiatric medicine 642  
and surgery, licensed professional clinical counselor, licensed 643  
professional counselor, independent social worker, social 644  
worker, independent marriage and family therapist, ~~or~~ marriage 645  
and family therapist, or art therapist in rendering care, 646  
treatment, or professional advice to an individual patient. 647

This division does not prevent a hospital, as defined in 648  
section 3727.01 of the Revised Code, insurer, as defined in 649  
section 3999.36 of the Revised Code, or intermediary 650  
organization, as defined in section 1751.01 of the Revised Code, 651  
from entering into a contract with a corporation described in 652  
this division that includes a provision requiring utilization 653  
review, quality assurance, peer review, or other performance or 654  
quality standards. Those activities shall not be construed as 655

controlling the professional clinical judgment of an individual 656  
practitioner listed in this division. 657

**Sec. 1705.03.** (A) A limited liability company may sue and 658  
be sued. 659

(B) Unless otherwise provided in its articles of 660  
organization, a limited liability company may take property of 661  
any description or any interest in property of any description 662  
by gift, devise, or bequest and may make donations for the 663  
public welfare or for charitable, scientific, or educational 664  
purposes. 665

(C) In carrying out the purposes stated in its articles of 666  
organization or operating agreement and subject to limitations 667  
prescribed by law or in its articles of organization or its 668  
operating agreement, a limited liability company may do all of 669  
the following: 670

(1) Purchase or otherwise acquire, lease as lessee or 671  
lessor, invest in, hold, use, encumber, sell, exchange, 672  
transfer, and dispose of property of any description or any 673  
interest in property of any description; 674

(2) Make contracts; 675

(3) Form or acquire the control of other domestic or 676  
foreign limited liability companies; 677

(4) Be a shareholder, partner, member, associate, or 678  
participant in other profit or nonprofit enterprises or 679  
ventures; 680

(5) Conduct its affairs in this state and elsewhere; 681

(6) Render in this state and elsewhere a professional 682  
service, the kinds of professional services authorized under 683

Chapters 4703. and 4733. of the Revised Code, or a combination	684
of the professional services of optometrists authorized under	685
Chapter 4725. of the Revised Code, chiropractors authorized	686
under Chapter 4734. of the Revised Code to practice chiropractic	687
or acupuncture, psychologists authorized under Chapter 4732. of	688
the Revised Code, registered or licensed practical nurses	689
authorized under Chapter 4723. of the Revised Code, pharmacists	690
authorized under Chapter 4729. of the Revised Code, physical	691
therapists authorized under sections 4755.40 to 4755.56 of the	692
Revised Code, occupational therapists authorized under sections	693
4755.04 to 4755.13 of the Revised Code, mechanotherapists	694
authorized under section 4731.151 of the Revised Code, doctors	695
of medicine and surgery, osteopathic medicine and surgery, or	696
podiatric medicine and surgery authorized under Chapter 4731. of	697
the Revised Code, <del>and</del> licensed professional clinical counselors,	698
licensed professional counselors, independent social workers,	699
social workers, independent marriage and family therapists, or	700
marriage and family therapists authorized under Chapter 4757. of	701
the Revised Code, <u>and art therapists authorized under Chapter</u>	702
<u>4785. of the Revised Code;</u>	703
(7) Borrow money;	704
(8) Issue, sell, and pledge its notes, bonds, and other	705
evidences of indebtedness;	706
(9) Secure any of its obligations by mortgage, pledge, or	707
deed of trust of all or any of its property;	708
(10) Guarantee or secure obligations of any person;	709
(11) Do all things permitted by law and exercise all	710
authority within or incidental to the purposes stated in its	711
articles of organization.	712



(D) In addition to the authority conferred by division (C) 713  
of this section and irrespective of the purposes stated in its 714  
articles of organization or operating agreement but subject to 715  
any limitations stated in those articles or its operating 716  
agreement, a limited liability company may invest funds not 717  
currently needed in its business in any securities if the 718  
investment does not cause the company to acquire control of 719  
another enterprise whose activities and operations are not 720  
incidental to the purposes stated in the articles of 721  
organization of the company. 722

(E) (1) No lack of authority or limitation upon the 723  
authority of a limited liability company shall be asserted in 724  
any action except as follows: 725

(a) By the state in an action by it against the company; 726

(b) By or on behalf of the company in an action against a 727  
manager, an officer, or any member as a member; 728

(c) By a member as a member in an action against the 729  
company, a manager, an officer, or any member as a member; 730

(d) In an action involving an alleged improper issue of a 731  
membership interest in the company. 732

(2) Division (E) (1) of this section applies to any action 733  
commenced in this state upon any contract made in this state by 734  
a foreign limited liability company. 735

**Sec. 1705.04.** (A) One or more persons, without regard to 736  
residence, domicile, or state of organization, may form a 737  
limited liability company. The articles of organization shall be 738  
signed and filed with the secretary of state and shall set forth 739  
all of the following: 740

(1) The name of the company;	741
(2) Except as provided in division (B) of this section, the period of its duration, which may be perpetual;	742 743
(3) Any other provisions that are from the operating agreement or that are not inconsistent with applicable law and that the members elect to set out in the articles for the regulation of the affairs of the company.	744 745 746 747
The legal existence of the company begins upon the filing of the articles of organization or on a later date specified in the articles of organization that is not more than ninety days after the filing.	748 749 750 751
(B) If the articles of organization or operating agreement do not set forth the period of the duration of the limited liability company, its duration shall be perpetual.	752 753 754
(C) If a limited liability company is formed under this chapter for the purpose of rendering a professional service, the kinds of professional services authorized under Chapters 4703. and 4733. of the Revised Code, or a combination of the professional services of optometrists authorized under Chapter 4725. of the Revised Code, chiropractors authorized under Chapter 4734. of the Revised Code to practice chiropractic or acupuncture, psychologists authorized under Chapter 4732. of the Revised Code, registered or licensed practical nurses authorized under Chapter 4723. of the Revised Code, pharmacists authorized under Chapter 4729. of the Revised Code, physical therapists authorized under sections 4755.40 to 4755.56 of the Revised Code, occupational therapists authorized under sections 4755.04 to 4755.13 of the Revised Code, mechanotherapists authorized under section 4731.151 of the Revised Code, doctors of medicine	755 756 757 758 759 760 761 762 763 764 765 766 767 768 769

and surgery, osteopathic medicine and surgery, or podiatric 770  
medicine and surgery authorized under Chapter 4731. of the 771  
Revised Code, ~~and~~ licensed professional clinical counselors, 772  
licensed professional counselors, independent social workers, 773  
social workers, independent marriage and family therapists, or 774  
marriage and family therapists authorized under Chapter 4757. of 775  
the Revised Code, and art therapists authorized under Chapter 776  
4785. of the Revised Code the following apply: 777

(1) Each member, employee, or other agent of the company 778  
who renders a professional service in this state and, if the 779  
management of the company is not reserved to its members, each 780  
manager of the company who renders a professional service in 781  
this state shall be licensed, certificated, or otherwise legally 782  
authorized to render in this state the same kind of professional 783  
service; if applicable, the kinds of professional services 784  
authorized under Chapters 4703. and 4733. of the Revised Code; 785  
or, if applicable, any of the kinds of professional services of 786  
optometrists authorized under Chapter 4725. of the Revised Code, 787  
chiropractors authorized under Chapter 4734. of the Revised Code 788  
to practice chiropractic or acupuncture, psychologists 789  
authorized under Chapter 4732. of the Revised Code, registered 790  
or licensed practical nurses authorized under Chapter 4723. of 791  
the Revised Code, pharmacists authorized under Chapter 4729. of 792  
the Revised Code, physical therapists authorized under sections 793  
4755.40 to 4755.56 of the Revised Code, occupational therapists 794  
authorized under sections 4755.04 to 4755.13 of the Revised 795  
Code, mechanotherapists authorized under section 4731.151 of the 796  
Revised Code, doctors of medicine and surgery, osteopathic 797  
medicine and surgery, or podiatric medicine and surgery 798  
authorized under Chapter 4731. of the Revised Code, ~~or~~ licensed 799  
professional clinical counselors, licensed professional 800

counselors, independent social workers, social workers, 801  
independent marriage and family therapists, or marriage and 802  
family therapists authorized under Chapter 4757. of the Revised 803  
Code, or art therapists authorized under Chapter 4785. of the 804  
Revised Code. 805

(2) Each member, employee, or other agent of the company 806  
who renders a professional service in another state and, if the 807  
management of the company is not reserved to its members, each 808  
manager of the company who renders a professional service in 809  
another state shall be licensed, certificated, or otherwise 810  
legally authorized to render that professional service in the 811  
other state. 812

(D) Except for the provisions of this chapter pertaining 813  
to the personal liability of members, employees, or other agents 814  
of a limited liability company and, if the management of the 815  
company is not reserved to its members, the personal liability 816  
of managers of the company, this chapter does not restrict, 817  
limit, or otherwise affect the authority or responsibilities of 818  
any agency, board, commission, department, office, or other 819  
entity to license, certificate, register, and otherwise regulate 820  
the professional conduct of individuals or organizations of any 821  
kind rendering professional services in this state or to 822  
regulate the practice of any profession that is within the 823  
jurisdiction of the agency, board, commission, department, 824  
office, or other entity, notwithstanding that the individual is 825  
a member or manager of a limited liability company and is 826  
rendering the professional services or engaging in the practice 827  
of the profession through the limited liability company or that 828  
the organization is a limited liability company. 829

(E) No limited liability company formed for the purpose of 830

providing a combination of the professional services, as defined 831  
in section 1785.01 of the Revised Code, of optometrists 832  
authorized under Chapter 4725. of the Revised Code, 833  
chiropractors authorized under Chapter 4734. of the Revised Code 834  
to practice chiropractic or acupuncture, psychologists 835  
authorized under Chapter 4732. of the Revised Code, registered 836  
or licensed practical nurses authorized under Chapter 4723. of 837  
the Revised Code, pharmacists authorized under Chapter 4729. of 838  
the Revised Code, physical therapists authorized under sections 839  
4755.40 to 4755.56 of the Revised Code, occupational therapists 840  
authorized under sections 4755.04 to 4755.13 of the Revised 841  
Code, mechanotherapists authorized under section 4731.151 of the 842  
Revised Code, doctors of medicine and surgery, osteopathic 843  
medicine and surgery, or podiatric medicine and surgery 844  
authorized under Chapter 4731. of the Revised Code, ~~and~~ licensed 845  
professional clinical counselors, licensed professional 846  
counselors, independent social workers, social workers, 847  
independent marriage and family therapists, or marriage and 848  
family therapists authorized under Chapter 4757. of the Revised 849  
Code, and art therapists authorized under Chapter 4785. of the 850  
Revised Code shall control the professional clinical judgment 851  
exercised within accepted and prevailing standards of practice 852  
of a licensed, certificated, or otherwise legally authorized 853  
optometrist, chiropractor, chiropractor practicing acupuncture 854  
through the state chiropractic board, psychologist, nurse, 855  
pharmacist, physical therapist, occupational therapist, 856  
mechanotherapist, doctor of medicine and surgery, osteopathic 857  
medicine and surgery, or podiatric medicine and surgery, 858  
licensed professional clinical counselor, licensed professional 859  
counselor, independent social worker, social worker, independent 860  
marriage and family therapist, ~~or~~ marriage and family therapist, or 861  
art therapist in rendering care, treatment, or professional 862

advice to an individual patient. 863

This division does not prevent a hospital, as defined in 864  
section 3727.01 of the Revised Code, insurer, as defined in 865  
section 3999.36 of the Revised Code, or intermediary 866  
organization, as defined in section 1751.01 of the Revised Code, 867  
from entering into a contract with a limited liability company 868  
described in this division that includes a provision requiring 869  
utilization review, quality assurance, peer review, or other 870  
performance or quality standards. Those activities shall not be 871  
construed as controlling the professional clinical judgment of 872  
an individual practitioner listed in this division. 873

**Sec. 1705.53.** Subject to any contrary provisions of the 874  
Ohio Constitution, the laws of the state under which a foreign 875  
limited liability company is organized govern its organization 876  
and internal affairs and the liability of its members. A foreign 877  
limited liability company may not be denied a certificate of 878  
registration as a foreign limited liability company in this 879  
state because of any difference between the laws of the state 880  
under which it is organized and the laws of this state. However, 881  
a foreign limited liability company that applies for 882  
registration under this chapter to render a professional service 883  
in this state, as a condition to obtaining and maintaining a 884  
certificate of registration, shall comply with the requirements 885  
of division (C) of section 1705.04 of the Revised Code and shall 886  
comply with the requirements of Chapters 4703. and 4733. of the 887  
Revised Code if the kinds of professional services authorized 888  
under those chapters are to be rendered or with the requirements 889  
of Chapters 4723., 4725., 4729., 4731., 4732., 4734., 4755., ~~and~~ 890  
4757., and 4785. of the Revised Code if a combination of the 891  
professional services of optometrists authorized under Chapter 892  
4725. of the Revised Code, chiropractors authorized under 893

Chapter 4734. of the Revised Code to practice chiropractic or 894  
acupuncture, psychologists authorized under Chapter 4732. of the 895  
Revised Code, registered or licensed practical nurses authorized 896  
under Chapter 4723. of the Revised Code, pharmacists authorized 897  
under Chapter 4729. of the Revised Code, physical therapists 898  
authorized under sections 4755.40 to 4755.56 of the Revised 899  
Code, occupational therapists authorized under sections 4755.04 900  
to 4755.13 of the Revised Code, mechanotherapists authorized 901  
under section 4731.151 of the Revised Code, doctors of medicine 902  
and surgery, osteopathic medicine and surgery, or podiatric 903  
medicine and surgery authorized under Chapter 4731. of the 904  
Revised Code, ~~and~~ licensed professional clinical counselors, 905  
licensed professional counselors, independent social workers, 906  
social workers, independent marriage and family therapists, or 907  
marriage and family therapists authorized under Chapter 4757. of 908  
the Revised Code, and art therapists authorized under Chapter 909  
4785. of the Revised Code are to be rendered. 910

**Sec. 1785.01.** As used in this chapter: 911

(A) "Professional service" means any type of professional 912  
service that may be performed only pursuant to a license, 913  
certificate, or other legal authorization issued pursuant to 914  
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 915  
4731., 4732., 4733., 4734., 4741., 4755., ~~or~~ 4757., or 4785. of 916  
the Revised Code to certified public accountants, licensed 917  
public accountants, architects, attorneys, dentists, nurses, 918  
optometrists, pharmacists, physician assistants, doctors of 919  
medicine and surgery, doctors of osteopathic medicine and 920  
surgery, doctors of podiatric medicine and surgery, 921  
practitioners of the limited branches of medicine specified in 922  
section 4731.15 of the Revised Code, mechanotherapists, 923  
psychologists, professional engineers, chiropractors, 924

chiropractors practicing acupuncture through the state 925  
chiropractic board, veterinarians, physical therapists, 926  
occupational therapists, licensed professional clinical 927  
counselors, licensed professional counselors, independent social 928  
workers, social workers, independent marriage and family 929  
therapists, ~~and~~ marriage and family therapists, and art 930  
therapists. 931

(B) "Professional association" means an association 932  
organized under this chapter for the sole purpose of rendering 933  
one of the professional services authorized under Chapter 4701., 934  
4703., 4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 935  
4733., 4734., 4741., 4755., ~~or 4757., or 4785.~~ of the Revised 936  
Code, a combination of the professional services authorized 937  
under Chapters 4703. and 4733. of the Revised Code, or a 938  
combination of the professional services of optometrists 939  
authorized under Chapter 4725. of the Revised Code, 940  
chiropractors authorized under Chapter 4734. of the Revised Code 941  
to practice chiropractic or acupuncture, psychologists 942  
authorized under Chapter 4732. of the Revised Code, registered 943  
or licensed practical nurses authorized under Chapter 4723. of 944  
the Revised Code, pharmacists authorized under Chapter 4729. of 945  
the Revised Code, physical therapists authorized under sections 946  
4755.40 to 4755.56 of the Revised Code, occupational therapists 947  
authorized under sections 4755.04 to 4755.13 of the Revised 948  
Code, mechanotherapists authorized under section 4731.151 of the 949  
Revised Code, doctors of medicine and surgery, osteopathic 950  
medicine and surgery, or podiatric medicine and surgery 951  
authorized under Chapter 4731. of the Revised Code, ~~and~~ licensed 952  
professional clinical counselors, licensed professional 953  
counselors, independent social workers, social workers, 954  
independent marriage and family therapists, or marriage and 955



family therapists authorized under Chapter 4757. of the Revised 956  
Code, and art therapists authorized under Chapter 4785. of the 957  
Revised Code. 958

**Sec. 1785.02.** An individual or group of individuals each 959  
of whom is licensed, certificated, or otherwise legally 960  
authorized to render within this state the same kind of 961  
professional service, a group of individuals each of whom is 962  
licensed, certificated, or otherwise legally authorized to 963  
render within this state the professional service authorized 964  
under Chapter 4703. or 4733. of the Revised Code, or a group of 965  
individuals each of whom is licensed, certificated, or otherwise 966  
legally authorized to render within this state the professional 967  
service of optometrists authorized under Chapter 4725. of the 968  
Revised Code, chiropractors authorized under Chapter 4734. of 969  
the Revised Code to practice chiropractic or acupuncture, 970  
psychologists authorized under Chapter 4732. of the Revised 971  
Code, registered or licensed practical nurses authorized under 972  
Chapter 4723. of the Revised Code, pharmacists authorized under 973  
Chapter 4729. of the Revised Code, physical therapists 974  
authorized under sections 4755.40 to 4755.56 of the Revised 975  
Code, occupational therapists authorized under sections 4755.04 976  
to 4755.13 of the Revised Code, mechanotherapists authorized 977  
under section 4731.151 of the Revised Code, doctors of medicine 978  
and surgery, osteopathic medicine and surgery, or podiatric 979  
medicine and surgery authorized under Chapter 4731. of the 980  
Revised Code, ~~or~~ licensed professional clinical counselors, 981  
licensed professional counselors, independent social workers, 982  
social workers, independent marriage and family therapists, or 983  
marriage and family therapists authorized under Chapter 4757. of 984  
the Revised Code, or art therapists authorized under Chapter 985  
4785. of the Revised Code may organize and become a shareholder 986

or shareholders of a professional association. Any group of 987  
individuals described in this section who may be rendering one 988  
of the professional services as an organization created 989  
otherwise than pursuant to this chapter may incorporate under 990  
and pursuant to this chapter by amending the agreement 991  
establishing the organization in a manner that the agreement as 992  
amended constitutes articles of incorporation prepared and filed 993  
in the manner prescribed in section 1785.08 of the Revised Code 994  
and by otherwise complying with the applicable requirements of 995  
this chapter. 996

**Sec. 1785.03.** A professional association may render a 997  
particular professional service only through officers, 998  
employees, and agents who are themselves duly licensed, 999  
certificated, or otherwise legally authorized to render the 1000  
professional service within this state. As used in this section, 1001  
"employee" does not include clerks, bookkeepers, technicians, or 1002  
other individuals who are not usually and ordinarily considered 1003  
by custom and practice to be rendering a particular professional 1004  
service for which a license, certificate, or other legal 1005  
authorization is required and does not include any other person 1006  
who performs all of that person's employment under the direct 1007  
supervision and control of an officer, agent, or employee who 1008  
renders a particular professional service to the public on 1009  
behalf of the professional association. 1010

No professional association formed for the purpose of 1011  
providing a combination of the professional services, as defined 1012  
in section 1785.01 of the Revised Code, of optometrists 1013  
authorized under Chapter 4725. of the Revised Code, 1014  
chiropractors authorized under Chapter 4734. of the Revised Code 1015  
to practice chiropractic or acupuncture, psychologists 1016  
authorized under Chapter 4732. of the Revised Code, registered 1017

or licensed practical nurses authorized under Chapter 4723. of 1018  
the Revised Code, pharmacists authorized under Chapter 4729. of 1019  
the Revised Code, physical therapists authorized under sections 1020  
4755.40 to 4755.56 of the Revised Code, occupational therapists 1021  
authorized under sections 4755.04 to 4755.13 of the Revised 1022  
Code, mechanotherapists authorized under section 4731.151 of the 1023  
Revised Code, doctors of medicine and surgery, osteopathic 1024  
medicine and surgery, or podiatric medicine and surgery 1025  
authorized under Chapter 4731. of the Revised Code, ~~and~~-licensed 1026  
professional clinical counselors, licensed professional 1027  
counselors, independent social workers, social workers, 1028  
independent marriage and family therapists, or marriage and 1029  
family therapists authorized under Chapter 4757. of the Revised 1030  
Code, and art therapists authorized under Chapter 4785. of the 1031  
Revised Code shall control the professional clinical judgment 1032  
exercised within accepted and prevailing standards of practice 1033  
of a licensed, certificated, or otherwise legally authorized 1034  
optometrist, chiropractor, chiropractor practicing acupuncture 1035  
through the state chiropractic board, psychologist, nurse, 1036  
pharmacist, physical therapist, occupational therapist, 1037  
mechanotherapist, doctor of medicine and surgery, osteopathic 1038  
medicine and surgery, or podiatric medicine and surgery, 1039  
licensed professional clinical counselor, licensed professional 1040  
counselor, independent social worker, social worker, independent 1041  
marriage and family therapist, ~~or~~-marriage and family therapist, 1042  
or art therapist in rendering care, treatment, or professional 1043  
advice to an individual patient. 1044

This division does not prevent a hospital, as defined in 1045  
section 3727.01 of the Revised Code, insurer, as defined in 1046  
section 3999.36 of the Revised Code, or intermediary 1047  
organization, as defined in section 1751.01 of the Revised Code, 1048

from entering into a contract with a professional association 1049  
described in this division that includes a provision requiring 1050  
utilization review, quality assurance, peer review, or other 1051  
performance or quality standards. Those activities shall not be 1052  
construed as controlling the professional clinical judgment of 1053  
an individual practitioner listed in this division. 1054

**Sec. 1785.08.** Chapter 1701. of the Revised Code applies to 1055  
professional associations, including their organization and the 1056  
manner of filing articles of incorporation, except that the 1057  
requirements of division (A) of section 1701.06 of the Revised 1058  
Code do not apply to professional associations. If any provision 1059  
of this chapter conflicts with any provision of Chapter 1701. of 1060  
the Revised Code, the provisions of this chapter shall take 1061  
precedence. A professional association for the practice of 1062  
medicine and surgery, osteopathic medicine and surgery, or 1063  
podiatric medicine and surgery or for the combined practice of 1064  
optometry, chiropractic, acupuncture through the state 1065  
chiropractic board, psychology, nursing, pharmacy, physical 1066  
therapy, mechanotherapy, medicine and surgery, osteopathic 1067  
medicine and surgery, ~~or~~ podiatric medicine and surgery, or art 1068  
therapy may provide in its articles of incorporation or bylaws 1069  
that its directors may have terms of office not exceeding six 1070  
years. 1071

**Sec. 4723.16.** (A) An individual whom the board of nursing 1072  
licenses or otherwise legally authorizes to engage in the 1073  
practice of nursing as a registered nurse, advanced practice 1074  
registered nurse, or licensed practical nurse may render the 1075  
professional services of a registered, advanced practice 1076  
registered, or licensed practical nurse within this state 1077  
through a corporation formed under division (B) of section 1078  
1701.03 of the Revised Code, a limited liability company formed 1079

under Chapter 1705. of the Revised Code, a partnership, or a 1080  
professional association formed under Chapter 1785. of the 1081  
Revised Code. This division does not preclude an individual of 1082  
that nature from rendering professional services as a 1083  
registered, advanced practice registered, or licensed practical 1084  
nurse through another form of business entity, including, but 1085  
not limited to, a nonprofit corporation or foundation, or in 1086  
another manner that is authorized by or in accordance with this 1087  
chapter, another chapter of the Revised Code, or rules of the 1088  
board of nursing adopted pursuant to this chapter. 1089

(B) A corporation, limited liability company, partnership, 1090  
or professional association described in division (A) of this 1091  
section may be formed for the purpose of providing a combination 1092  
of the professional services of the following individuals who 1093  
are licensed, certificated, or otherwise legally authorized to 1094  
practice their respective professions: 1095

(1) Optometrists who are authorized to practice optometry 1096  
under Chapter 4725. of the Revised Code; 1097

(2) Chiropractors who are authorized to practice 1098  
chiropractic or acupuncture under Chapter 4734. of the Revised 1099  
Code; 1100

(3) Psychologists who are authorized to practice 1101  
psychology under Chapter 4732. of the Revised Code; 1102

(4) Registered, advanced practice registered, or licensed 1103  
practical nurses who are authorized to practice nursing as 1104  
registered nurses, advanced practice registered nurses, or 1105  
licensed practical nurses under this chapter; 1106

(5) Pharmacists who are authorized to practice pharmacy 1107  
under Chapter 4729. of the Revised Code; 1108

(6) Physical therapists who are authorized to practice 1109  
physical therapy under sections 4755.40 to 4755.56 of the 1110  
Revised Code; 1111

(7) Occupational therapists who are licensed to practice 1112  
occupational therapy under sections 4755.04 to 4755.13 of the 1113  
Revised Code; 1114

(8) Mechanotherapists who are authorized to practice 1115  
mechanotherapy under section 4731.151 of the Revised Code; 1116

(9) Doctors of medicine and surgery, osteopathic medicine 1117  
and surgery, or podiatric medicine and surgery who are licensed, 1118  
certificated, or otherwise legally authorized for their 1119  
respective practices under Chapter 4731. of the Revised Code; 1120

(10) Licensed professional clinical counselors, licensed 1121  
professional counselors, independent social workers, social 1122  
workers, independent marriage and family therapists, or marriage 1123  
and family therapists who are authorized for their respective 1124  
practices under Chapter 4757. of the Revised Code; 1125

(11) Art therapists who are authorized to practice art 1126  
therapy under Chapter 4785. of the Revised Code. 1127

This division shall apply notwithstanding a provision of a 1128  
code of ethics applicable to a nurse that prohibits a 1129  
registered, advanced practice registered, or licensed practical 1130  
nurse from engaging in the practice of nursing as a registered 1131  
nurse, advanced practice registered nurse, or licensed practical 1132  
nurse in combination with a person who is licensed, 1133  
certificated, or otherwise legally authorized to practice 1134  
optometry, chiropractic, acupuncture through the state 1135  
chiropractic board, psychology, pharmacy, physical therapy, 1136  
occupational therapy, mechanotherapy, medicine and surgery, 1137

osteopathic medicine and surgery, podiatric medicine and 1138  
surgery, professional counseling, social work, ~~or~~ marriage and 1139  
family therapy, or art therapy, but who is not also licensed, 1140  
certificated, or otherwise legally authorized to engage in the 1141  
practice of nursing as a registered nurse, advanced practice 1142  
registered nurse, or licensed practical nurse. 1143

**Sec. 4725.33.** (A) An individual whom the state vision 1144  
professionals board licenses to engage in the practice of 1145  
optometry may render the professional services of an optometrist 1146  
within this state through a corporation formed under division 1147  
(B) of section 1701.03 of the Revised Code, a limited liability 1148  
company formed under Chapter 1705. of the Revised Code, a 1149  
partnership, or a professional association formed under Chapter 1150  
1785. of the Revised Code. This division does not preclude an 1151  
optometrist from rendering professional services as an 1152  
optometrist through another form of business entity, including, 1153  
but not limited to, a nonprofit corporation or foundation, or in 1154  
another manner that is authorized by or in accordance with this 1155  
chapter, another chapter of the Revised Code, or rules of the 1156  
state vision professionals board adopted pursuant to this 1157  
chapter. 1158

(B) A corporation, limited liability company, partnership, 1159  
or professional association described in division (A) of this 1160  
section may be formed for the purpose of providing a combination 1161  
of the professional services of the following individuals who 1162  
are licensed, certificated, or otherwise legally authorized to 1163  
practice their respective professions: 1164

(1) Optometrists who are authorized to practice optometry 1165  
under Chapter 4725. of the Revised Code; 1166

(2) Chiropractors who are authorized to practice 1167

chiropractic or acupuncture under Chapter 4734. of the Revised Code;	1168 1169
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	1170 1171
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	1172 1173 1174 1175
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1176 1177
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1178 1179 1180
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1181 1182 1183
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1184 1185
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	1186 1187 1188 1189
(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code;	1190 1191 1192 1193 1194
<u>(11) Art therapists who are authorized to practice art</u>	1195



therapy under Chapter 4785. of the Revised Code. 1196

This division shall apply notwithstanding a provision of a 1197  
code of ethics applicable to an optometrist that prohibits an 1198  
optometrist from engaging in the practice of optometry in 1199  
combination with a person who is licensed, certificated, or 1200  
otherwise legally authorized to practice chiropractic, 1201  
acupuncture through the state chiropractic board, psychology, 1202  
nursing, pharmacy, physical therapy, occupational therapy, 1203  
mechanotherapy, medicine and surgery, osteopathic medicine and 1204  
surgery, podiatric medicine and surgery, professional 1205  
counseling, social work, ~~or~~ marriage and family therapy, or art 1206  
therapy, but who is not also licensed, certificated, or 1207  
otherwise legally authorized to engage in the practice of 1208  
optometry. 1209

**Sec. 4729.161.** (A) An individual registered with the state 1210  
board of pharmacy to engage in the practice of pharmacy may 1211  
render the professional services of a pharmacist within this 1212  
state through a corporation formed under division (B) of section 1213  
1701.03 of the Revised Code, a limited liability company formed 1214  
under Chapter 1705. of the Revised Code, a partnership, or a 1215  
professional association formed under Chapter 1785. of the 1216  
Revised Code. This division does not preclude an individual of 1217  
that nature from rendering professional services as a pharmacist 1218  
through another form of business entity, including, but not 1219  
limited to, a nonprofit corporation or foundation, or in another 1220  
manner that is authorized by or in accordance with this chapter, 1221  
another chapter of the Revised Code, or rules of the state board 1222  
of pharmacy adopted pursuant to this chapter. 1223

(B) A corporation, limited liability company, partnership, 1224  
or professional association described in division (A) of this 1225

section may be formed for the purpose of providing a combination 1226  
of the professional services of the following individuals who 1227  
are licensed, certificated, or otherwise legally authorized to 1228  
practice their respective professions: 1229

(1) Optometrists who are authorized to practice optometry 1230  
under Chapter 4725. of the Revised Code; 1231

(2) Chiropractors who are authorized to practice 1232  
chiropractic or acupuncture under Chapter 4734. of the Revised 1233  
Code; 1234

(3) Psychologists who are authorized to practice 1235  
psychology under Chapter 4732. of the Revised Code; 1236

(4) Registered or licensed practical nurses who are 1237  
authorized to practice nursing as registered nurses or as 1238  
licensed practical nurses under Chapter 4723. of the Revised 1239  
Code; 1240

(5) Pharmacists who are authorized to practice pharmacy 1241  
under Chapter 4729. of the Revised Code; 1242

(6) Physical therapists who are authorized to practice 1243  
physical therapy under sections 4755.40 to 4755.56 of the 1244  
Revised Code; 1245

(7) Occupational therapists who are authorized to practice 1246  
occupational therapy under sections 4755.04 to 4755.13 of the 1247  
Revised Code; 1248

(8) Mechanotherapists who are authorized to practice 1249  
mechanotherapy under section 4731.151 of the Revised Code; 1250

(9) Doctors of medicine and surgery, osteopathic medicine 1251  
and surgery, or podiatric medicine and surgery who are 1252  
authorized for their respective practices under Chapter 4731. of 1253

the Revised Code; 1254

(10) Licensed professional clinical counselors, licensed 1255  
professional counselors, independent social workers, social 1256  
workers, independent marriage and family therapists, or marriage 1257  
and family therapists who are authorized for their respective 1258  
practices under Chapter 4757. of the Revised Code; 1259

(11) Art therapists who are authorized to practice art 1260  
therapy under Chapter 4785. of the Revised Code. 1261

This division shall apply notwithstanding a provision of a 1262  
code of ethics applicable to a pharmacist that prohibits a 1263  
pharmacist from engaging in the practice of pharmacy in 1264  
combination with a person who is licensed, certificated, or 1265  
otherwise legally authorized to practice optometry, 1266  
chiropractic, acupuncture through the state chiropractic board, 1267  
psychology, nursing, physical therapy, occupational therapy, 1268  
mechanotherapy, medicine and surgery, osteopathic medicine and 1269  
surgery, podiatric medicine and surgery, professional 1270  
counseling, social work, ~~or~~ marriage and family therapy, or art 1271  
therapy, but who is not also licensed, certificated, or 1272  
otherwise legally authorized to engage in the practice of 1273  
pharmacy. 1274

**Sec. 4731.07.** (A) The state medical board shall keep a 1275  
record of its proceedings. The minutes of a meeting of the board 1276  
shall, on approval by the board, constitute an official record 1277  
of its proceedings. 1278

(B) The board shall keep a register of applicants for 1279  
certificates issued under this chapter and Chapters 4760., 1280  
4762., and 4774. of the Revised Code and licenses issued under 1281  
this chapter and Chapters 4730., 4759., 4761., ~~and~~ 4778., and 1282

4785. of the Revised Code. The register shall show the name of 1283  
the applicant and whether the applicant was granted or refused a 1284  
certificate or license. With respect to applicants to practice 1285  
medicine and surgery or osteopathic medicine and surgery, the 1286  
register shall show the name of the institution that granted the 1287  
applicant the degree of doctor of medicine or osteopathic 1288  
medicine. With respect to applicants to practice respiratory 1289  
care, the register shall show the addresses of the person's last 1290  
known place of business and residence, the effective date and 1291  
identification number of the license, the name and location of 1292  
the institution that granted the person's degree or certificate 1293  
of completion of respiratory care educational requirements, and 1294  
the date the degree or certificate was issued. The books and 1295  
records of the board shall be prima-facie evidence of matters 1296  
therein contained. 1297

**Sec. 4731.071.** The state medical board shall develop and 1298  
publish on its internet web site a directory containing the 1299  
names of, and contact information for, all persons who hold 1300  
current, valid certificates or licenses issued by the board 1301  
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 1302  
4774., ~~or 4778.~~, or 4785. of the Revised Code. Except as 1303  
provided in section 4731.10 of the Revised Code, the directory 1304  
shall be the sole source for verifying that a person holds a 1305  
current, valid certificate or license issued by the board. 1306

**Sec. 4731.226.** (A) (1) An individual whom the state medical 1307  
board licenses, certificates, or otherwise legally authorizes to 1308  
engage in the practice of medicine and surgery, osteopathic 1309  
medicine and surgery, or podiatric medicine and surgery may 1310  
render the professional services of a doctor of medicine and 1311  
surgery, osteopathic medicine and surgery, or podiatric medicine 1312  
and surgery within this state through a corporation formed under 1313

division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. Division (A)(1) of this section does not preclude an individual of that nature from rendering professional services as a doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the state medical board adopted pursuant to this chapter.

(2) An individual whom the state medical board authorizes to engage in the practice of mechanotherapy may render the professional services of a mechanotherapist within this state through a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, a partnership, or a professional association formed under Chapter 1785. of the Revised Code. Division (A)(2) of this section does not preclude an individual of that nature from rendering professional services as a mechanotherapist through another form of business entity, including, but not limited to, a nonprofit corporation or foundation, or in another manner that is authorized by or in accordance with this chapter, another chapter of the Revised Code, or rules of the state medical board adopted pursuant to this chapter.

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who

are licensed, certificated, or otherwise legally authorized to	1345
practice their respective professions:	1346
(1) Optometrists who are authorized to practice optometry	1347
under Chapter 4725. of the Revised Code;	1348
(2) Chiropractors who are authorized to practice	1349
chiropractic or acupuncture under Chapter 4734. of the Revised	1350
Code;	1351
(3) Psychologists who are authorized to practice	1352
psychology under Chapter 4732. of the Revised Code;	1353
(4) Registered or licensed practical nurses who are	1354
authorized to practice nursing as registered nurses or as	1355
licensed practical nurses under Chapter 4723. of the Revised	1356
Code;	1357
(5) Pharmacists who are authorized to practice pharmacy	1358
under Chapter 4729. of the Revised Code;	1359
(6) Physical therapists who are authorized to practice	1360
physical therapy under sections 4755.40 to 4755.56 of the	1361
Revised Code;	1362
(7) Occupational therapists who are authorized to practice	1363
occupational therapy under sections 4755.04 to 4755.13 of the	1364
Revised Code;	1365
(8) Mechanotherapists who are authorized to practice	1366
mechanotherapy under section 4731.151 of the Revised Code;	1367
(9) Doctors of medicine and surgery, osteopathic medicine	1368
and surgery, or podiatric medicine and surgery who are	1369
authorized for their respective practices under this chapter;	1370
(10) Licensed professional clinical counselors, licensed	1371

professional counselors, independent social workers, social 1372  
workers, independent marriage and family therapists, or marriage 1373  
and family therapists who are authorized for their respective 1374  
practices under Chapter 4757. of the Revised Code; 1375

(11) Art therapists who are authorized to practice art 1376  
therapy under Chapter 4785. of the Revised Code. 1377

(C) Division (B) of this section shall apply 1378  
notwithstanding a provision of a code of ethics described in 1379  
division (B) (18) of section 4731.22 of the Revised Code that 1380  
prohibits either of the following: 1381

(1) A doctor of medicine and surgery, osteopathic medicine 1382  
and surgery, or podiatric medicine and surgery from engaging in 1383  
the doctor's authorized practice in combination with a person 1384  
who is licensed, certificated, or otherwise legally authorized 1385  
to engage in the practice of optometry, chiropractic, 1386  
acupuncture through the state chiropractic board, psychology, 1387  
nursing, pharmacy, physical therapy, occupational therapy, 1388  
mechanotherapy, professional counseling, social work, ~~or~~ 1389  
marriage and family therapy, or art therapy, but who is not also 1390  
licensed, certificated, or otherwise legally authorized to 1391  
practice medicine and surgery, osteopathic medicine and surgery, 1392  
or podiatric medicine and surgery. 1393

(2) A mechanotherapist from engaging in the practice of 1394  
mechanotherapy in combination with a person who is licensed, 1395  
certificated, or otherwise legally authorized to engage in the 1396  
practice of optometry, chiropractic, acupuncture through the 1397  
state chiropractic board, psychology, nursing, pharmacy, 1398  
physical therapy, occupational therapy, medicine and surgery, 1399  
osteopathic medicine and surgery, podiatric medicine and 1400  
surgery, professional counseling, social work, ~~or~~ marriage and 1401

family therapy, or art therapy, but who is not also licensed, 1402  
certificated, or otherwise legally authorized to engage in the 1403  
practice of mechanotherapy. 1404

**Sec. 4731.24.** Except as provided in sections 4731.281 and 1405  
4731.40 of the Revised Code, all receipts of the state medical 1406  
board, from any source, shall be deposited in the state 1407  
treasury. The funds shall be deposited to the credit of the 1408  
state medical board operating fund, which is hereby created. 1409  
Except as provided in sections 4730.252, 4731.225, 4731.24, 1410  
4760.133, 4762.133, 4774.133, ~~and 4778.141~~, and 4785.11 of the 1411  
Revised Code, all funds deposited into the state treasury under 1412  
this section shall be used solely for the administration and 1413  
enforcement of this chapter and Chapters 4730., 4759., 4760., 1414  
4761., 4762., 4774., ~~and 4778.~~, and 4785. of the Revised Code by 1415  
the board. 1416

**Sec. 4731.25.** The state medical board, in accordance with 1417  
Chapter 119. of the Revised Code, shall adopt and may amend and 1418  
rescind rules establishing standards for approval of physicians 1419  
and facilities as treatment providers for impaired practitioners 1420  
who are regulated under this chapter or Chapter 4730., 4759., 1421  
4760., 4761., 4762., 4774., ~~or 4778.~~, or 4785. of the Revised 1422  
Code. The rules shall include standards for both inpatient and 1423  
outpatient treatment. The rules shall provide that in order to 1424  
be approved, a treatment provider must have the capability of 1425  
making an initial examination to determine what type of 1426  
treatment an impaired practitioner requires. Subject to the 1427  
rules, the board shall review and approve treatment providers on 1428  
a regular basis. The board, at its discretion, may withdraw or 1429  
deny approval subject to the rules. 1430

An approved impaired practitioner treatment provider 1431



shall: 1432

(A) Report to the board the name of any practitioner 1433  
suffering or showing evidence of suffering impairment as 1434  
described in division (B) (5) of section 4730.25 of the Revised 1435  
Code, division (B) (26) of section 4731.22 of the Revised Code, 1436  
division (A) (4) of section 4759.07 of the Revised Code, division 1437  
(B) (6) of section 4760.13 of the Revised Code, division (B) (6) 1438  
of section 4762.13 of the Revised Code, division (B) (6) of 1439  
section 4774.13 of the Revised Code, ~~or~~ division (B) (6) of 1440  
section 4778.14 of the Revised Code, or division (C) (19) of 1441  
section 4785.10 of the Revised Code who fails to comply within 1442  
one week with a referral for examination; 1443

(B) Report to the board the name of any impaired 1444  
practitioner who fails to enter treatment within forty-eight 1445  
hours following the provider's determination that the 1446  
practitioner needs treatment; 1447

(C) Require every practitioner who enters treatment to 1448  
agree to a treatment contract establishing the terms of 1449  
treatment and aftercare, including any required supervision or 1450  
restrictions of practice during treatment or aftercare; 1451

(D) Require a practitioner to suspend practice upon entry 1452  
into any required inpatient treatment; 1453

(E) Report to the board any failure by an impaired 1454  
practitioner to comply with the terms of the treatment contract 1455  
during inpatient or outpatient treatment or aftercare; 1456

(F) Report to the board the resumption of practice of any 1457  
impaired practitioner before the treatment provider has made a 1458  
clear determination that the practitioner is capable of 1459  
practicing according to acceptable and prevailing standards of 1460

care; 1461

(G) Require a practitioner who resumes practice after 1462  
completion of treatment to comply with an aftercare contract 1463  
that meets the requirements of rules adopted by the board for 1464  
approval of treatment providers; 1465

(H) Report the identity of any practitioner practicing 1466  
under the terms of an aftercare contract to hospital 1467  
administrators, medical chiefs of staff, and chairpersons of 1468  
impaired practitioner committees of all health care institutions 1469  
at which the practitioner holds clinical privileges or otherwise 1470  
practices. If the practitioner does not hold clinical privileges 1471  
at any health care institution, the treatment provider shall 1472  
report the practitioner's identity to the impaired practitioner 1473  
committee of the county medical society, osteopathic academy, or 1474  
podiatric medical association in every county in which the 1475  
practitioner practices. If there are no impaired practitioner 1476  
committees in the county, the treatment provider shall report 1477  
the practitioner's identity to the president or other designated 1478  
member of the county medical society, osteopathic academy, or 1479  
podiatric medical association. 1480

(I) Report to the board the identity of any practitioner 1481  
who suffers a relapse at any time during or following aftercare. 1482

Any individual authorized to practice under this chapter 1483  
who enters into treatment by an approved treatment provider 1484  
shall be deemed to have waived any confidentiality requirements 1485  
that would otherwise prevent the treatment provider from making 1486  
reports required under this section. 1487

In the absence of fraud or bad faith, no person or 1488  
organization that conducts an approved impaired practitioner 1489

treatment program, no member of such an organization, and no 1490  
employee, representative, or agent of the treatment provider 1491  
shall be held liable in damages to any person by reason of 1492  
actions taken or recommendations made by the treatment provider 1493  
or its employees, representatives, or agents. 1494

**Sec. 4731.65.** As used in sections 4731.65 to 4731.71 of 1495  
the Revised Code: 1496

(A) (1) "Clinical laboratory services" means either of the 1497  
following: 1498

(a) Any examination of materials derived from the human 1499  
body for the purpose of providing information for the diagnosis, 1500  
prevention, or treatment of any disease or impairment or for the 1501  
assessment of health; 1502

(b) Procedures to determine, measure, or otherwise 1503  
describe the presence or absence of various substances or 1504  
organisms in the body. 1505

(2) "Clinical laboratory services" does not include the 1506  
mere collection or preparation of specimens. 1507

(B) "Designated health services" means any of the 1508  
following: 1509

(1) Clinical laboratory services; 1510

(2) Home health care services; 1511

(3) Outpatient prescription drugs. 1512

(C) "Fair market value" means the value in arms-length 1513  
transactions, consistent with general market value and: 1514

(1) With respect to rentals or leases, the value of rental 1515  
property for general commercial purposes, not taking into 1516

account its intended use; 1517

(2) With respect to a lease of space, not adjusted to 1518  
reflect the additional value the prospective lessee or lessor 1519  
would attribute to the proximity or convenience to the lessor if 1520  
the lessor is a potential source of referrals to the lessee. 1521

(D) "Governmental health care program" means any program 1522  
providing health care benefits that is administered by the 1523  
federal government, this state, or a political subdivision of 1524  
this state, including the medicare program, health care coverage 1525  
for public employees, health care benefits administered by the 1526  
bureau of workers' compensation, and the medicaid program. 1527

(E) (1) "Group practice" means a group of two or more 1528  
holders of licenses or certificates under this chapter legally 1529  
organized as a partnership, professional corporation or 1530  
association, limited liability company, foundation, nonprofit 1531  
corporation, faculty practice plan, or similar group practice 1532  
entity, including an organization comprised of a nonprofit 1533  
medical clinic that contracts with a professional corporation or 1534  
association of physicians to provide medical services 1535  
exclusively to patients of the clinic in order to comply with 1536  
section 1701.03 of the Revised Code and including a corporation, 1537  
limited liability company, partnership, or professional 1538  
association described in division (B) of section 4731.226 of the 1539  
Revised Code formed for the purpose of providing a combination 1540  
of the professional services of optometrists who are licensed, 1541  
certificated, or otherwise legally authorized to practice 1542  
optometry under Chapter 4725. of the Revised Code, chiropractors 1543  
who are licensed, certificated, or otherwise legally authorized 1544  
to practice chiropractic or acupuncture under Chapter 4734. of 1545  
the Revised Code, psychologists who are licensed, certificated, 1546

or otherwise legally authorized to practice psychology under 1547  
Chapter 4732. of the Revised Code, registered or licensed 1548  
practical nurses who are licensed, certificated, or otherwise 1549  
legally authorized to practice nursing under Chapter 4723. of 1550  
the Revised Code, pharmacists who are licensed, certificated, or 1551  
otherwise legally authorized to practice pharmacy under Chapter 1552  
4729. of the Revised Code, physical therapists who are licensed, 1553  
certificated, or otherwise legally authorized to practice 1554  
physical therapy under sections 4755.40 to 4755.56 of the 1555  
Revised Code, occupational therapists who are licensed, 1556  
certificated, or otherwise legally authorized to practice 1557  
occupational therapy under sections 4755.04 to 4755.13 of the 1558  
Revised Code, mechanotherapists who are licensed, certificated, 1559  
or otherwise legally authorized to practice mechanotherapy under 1560  
section 4731.151 of the Revised Code, and doctors of medicine 1561  
and surgery, osteopathic medicine and surgery, or podiatric 1562  
medicine and surgery who are licensed, certificated, or 1563  
otherwise legally authorized for their respective practices 1564  
under this chapter, ~~and~~ licensed professional clinical 1565  
counselors, licensed professional counselors, independent social 1566  
workers, social workers, independent marriage and family 1567  
therapists, or marriage and family therapists who are licensed, 1568  
certificated, or otherwise legally authorized for their 1569  
respective practices under Chapter 4757. of the Revised Code,  1570  
and art therapists who are authorized to practice art therapy 1571  
under Chapter 4785. of the Revised Code to which all of the 1572  
following apply: 1573

(a) Each physician who is a member of the group practice 1574  
provides substantially the full range of services that the 1575  
physician routinely provides, including medical care, 1576  
consultation, diagnosis, or treatment, through the joint use of 1577

shared office space, facilities, equipment, and personnel. 1578

(b) Substantially all of the services of the members of 1579  
the group are provided through the group and are billed in the 1580  
name of the group and amounts so received are treated as 1581  
receipts of the group. 1582

(c) The overhead expenses of and the income from the 1583  
practice are distributed in accordance with methods previously 1584  
determined by members of the group. 1585

(d) The group practice meets any other requirements that 1586  
the state medical board applies in rules adopted under section 1587  
4731.70 of the Revised Code. 1588

(2) In the case of a faculty practice plan associated with 1589  
a hospital with a medical residency training program in which 1590  
physician members may provide a variety of specialty services 1591  
and provide professional services both within and outside the 1592  
group, as well as perform other tasks such as research, the 1593  
criteria in division (E) (1) of this section apply only with 1594  
respect to services rendered within the faculty practice plan. 1595

(F) "Home health care services" and "immediate family" 1596  
have the same meanings as in the rules adopted under section 1597  
4731.70 of the Revised Code. 1598

(G) "Hospital" has the same meaning as in section 3727.01 1599  
of the Revised Code. 1600

(H) A "referral" includes both of the following: 1601

(1) A request by a holder of a license or certificate 1602  
under this chapter for an item or service, including a request 1603  
for a consultation with another physician and any test or 1604  
procedure ordered by or to be performed by or under the 1605

supervision of the other physician; 1606

(2) A request for or establishment of a plan of care by a 1607  
license or certificate holder that includes the provision of 1608  
designated health services. 1609

(I) "Third-party payer" has the same meaning as in section 1610  
3901.38 of the Revised Code. 1611

**Sec. 4732.28.** (A) An individual whom the state board of 1612  
psychology licenses, certificates, or otherwise legally 1613  
authorizes to engage in the practice of psychology may render 1614  
the professional services of a psychologist within this state 1615  
through a corporation formed under division (B) of section 1616  
1701.03 of the Revised Code, a limited liability company formed 1617  
under Chapter 1705. of the Revised Code, a partnership, or a 1618  
professional association formed under Chapter 1785. of the 1619  
Revised Code. This division does not preclude an individual of 1620  
that nature from rendering professional services as a 1621  
psychologist through another form of business entity, including, 1622  
but not limited to, a nonprofit corporation or foundation, or in 1623  
another manner that is authorized by or in accordance with this 1624  
chapter, another chapter of the Revised Code, or rules of the 1625  
state board of psychology adopted pursuant to this chapter. 1626

(B) A corporation, limited liability company, partnership, 1627  
or professional association described in division (A) of this 1628  
section may be formed for the purpose of providing a combination 1629  
of the professional services of the following individuals who 1630  
are licensed, certificated, or otherwise legally authorized to 1631  
practice their respective professions: 1632

(1) Optometrists who are authorized to practice optometry 1633  
under Chapter 4725. of the Revised Code; 1634

(2) Chiropractors who are authorized to practice	1635
chiropractic or acupuncture under Chapter 4734. of the Revised	1636
Code;	1637
(3) Psychologists who are authorized to practice	1638
psychology under this chapter;	1639
(4) Registered or licensed practical nurses who are	1640
authorized to practice nursing as registered nurses or as	1641
licensed practical nurses under Chapter 4723. of the Revised	1642
Code;	1643
(5) Pharmacists who are authorized to practice pharmacy	1644
under Chapter 4729. of the Revised Code;	1645
(6) Physical therapists who are authorized to practice	1646
physical therapy under sections 4755.40 to 4755.56 of the	1647
Revised Code;	1648
(7) Occupational therapists who are authorized to practice	1649
occupational therapy under sections 4755.04 to 4755.13 of the	1650
Revised Code;	1651
(8) Mechanotherapists who are authorized to practice	1652
mechanotherapy under section 4731.151 of the Revised Code;	1653
(9) Doctors of medicine and surgery, osteopathic medicine	1654
and surgery, or podiatric medicine and surgery who are	1655
authorized for their respective practices under Chapter 4731. of	1656
the Revised Code;	1657
(10) Licensed professional clinical counselors, licensed	1658
professional counselors, independent social workers, social	1659
workers, independent marriage and family therapists, or marriage	1660
and family therapists who are authorized for their respective	1661
practices under Chapter 4757. of the Revised Code;	1662



(11) Art therapists who are authorized to practice art 1663  
therapy under Chapter 4785. of the Revised Code. 1664

This division shall apply notwithstanding a provision of a 1665  
code of ethics applicable to a psychologist that prohibits a 1666  
psychologist from engaging in the practice of psychology in 1667  
combination with a person who is licensed, certificated, or 1668  
otherwise legally authorized to practice optometry, 1669  
chiropractic, acupuncture through the state chiropractic board, 1670  
nursing, pharmacy, physical therapy, occupational therapy, 1671  
mechanotherapy, medicine and surgery, osteopathic medicine and 1672  
surgery, podiatric medicine and surgery, professional 1673  
counseling, social work, ~~or~~ marriage and family therapy, or art 1674  
therapy, but who is not also licensed, certificated, or 1675  
otherwise legally authorized to engage in the practice of 1676  
psychology. 1677

**Sec. 4734.17.** (A) An individual whom the state 1678  
chiropractic board licenses to engage in the practice of 1679  
chiropractic or certifies to practice acupuncture may render the 1680  
professional services of a chiropractor or chiropractor 1681  
certified to practice acupuncture within this state through a 1682  
corporation formed under division (B) of section 1701.03 of the 1683  
Revised Code, a limited liability company formed under Chapter 1684  
1705. of the Revised Code, a partnership, or a professional 1685  
association formed under Chapter 1785. of the Revised Code. This 1686  
division does not preclude a chiropractor from rendering 1687  
professional services as a chiropractor or chiropractor 1688  
certified to practice acupuncture through another form of 1689  
business entity, including, but not limited to, a nonprofit 1690  
corporation or foundation, or in another manner that is 1691  
authorized by or in accordance with this chapter, another 1692  
chapter of the Revised Code, or rules of the state chiropractic 1693

board adopted pursuant to this chapter.	1694
(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:	1695 1696 1697 1698 1699 1700
(1) Optometrists who are authorized to practice optometry, under Chapter 4725. of the Revised Code;	1701 1702
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under this chapter;	1703 1704
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	1705 1706
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	1707 1708 1709 1710
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1711 1712
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1713 1714 1715
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1716 1717 1718
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1719 1720

(9) Doctors of medicine and surgery, osteopathic medicine 1721  
and surgery, or podiatric medicine and surgery who are 1722  
authorized for their respective practices under Chapter 4731. of 1723  
the Revised Code; 1724

(10) Licensed professional clinical counselors, licensed 1725  
professional counselors, independent social workers, social 1726  
workers, independent marriage and family therapists, or marriage 1727  
and family therapists who are authorized for their respective 1728  
practices under Chapter 4757. of the Revised Code; 1729

(11) Art therapists who are authorized to practice art 1730  
therapy under Chapter 4785. of the Revised Code. 1731

This division shall apply notwithstanding a provision of 1732  
any code of ethics established or adopted under section 4734.16 1733  
of the Revised Code that prohibits an individual from engaging 1734  
in the practice of chiropractic or acupuncture in combination 1735  
with an individual who is licensed, certificated, or otherwise 1736  
authorized for the practice of optometry, psychology, nursing, 1737  
pharmacy, physical therapy, occupational therapy, 1738  
mechanotherapy, medicine and surgery, osteopathic medicine and 1739  
surgery, podiatric medicine and surgery, professional 1740  
counseling, social work, ~~or~~ marriage and family therapy, or art 1741  
therapy, but who is not also licensed under this chapter to 1742  
engage in the practice of chiropractic. 1743

**Sec. 4755.111.** (A) An individual whom the occupational 1744  
therapy section of the Ohio occupational therapy, physical 1745  
therapy, and athletic trainers board licenses, certificates, or 1746  
otherwise legally authorizes to engage in the practice of 1747  
occupational therapy may render the professional services of an 1748  
occupational therapist within this state through a corporation 1749  
formed under division (B) of section 1701.03 of the Revised 1750

Code, a limited liability company formed under Chapter 1705. of 1751  
the Revised Code, a partnership, or a professional association 1752  
formed under Chapter 1785. of the Revised Code. This division 1753  
does not preclude an individual of that nature from rendering 1754  
professional services as an occupational therapist through 1755  
another form of business entity, including, but not limited to, 1756  
a nonprofit corporation or foundation, or in another manner that 1757  
is authorized by or in accordance with sections 4755.04 to 1758  
4755.13 of the Revised Code, another chapter of the Revised 1759  
Code, or rules of the Ohio occupational therapy, physical 1760  
therapy, and athletic trainers board adopted pursuant to 1761  
sections 4755.04 to 4755.13 of the Revised Code. 1762

(B) A corporation, limited liability company, partnership, 1763  
or professional association described in division (A) of this 1764  
section may be formed for the purpose of providing a combination 1765  
of the professional services of the following individuals who 1766  
are licensed, certificated, or otherwise legally authorized to 1767  
practice their respective professions: 1768

(1) Optometrists who are authorized to practice optometry 1769  
under Chapter 4725. of the Revised Code; 1770

(2) Chiropractors who are authorized to practice 1771  
chiropractic or acupuncture under Chapter 4734. of the Revised 1772  
Code; 1773

(3) Psychologists who are authorized to practice 1774  
psychology under Chapter 4732. of the Revised Code; 1775

(4) Registered or licensed practical nurses who are 1776  
authorized to practice nursing as registered nurses or as 1777  
licensed practical nurses under Chapter 4723. of the Revised 1778  
Code; 1779

(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1780 1781
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1782 1783 1784
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1785 1786 1787
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1788 1789
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	1790 1791 1792 1793
(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code;	1794 1795 1796 1797 1798
<u>(11) Art therapists who are authorized to practice art therapy under Chapter 4785. of the Revised Code.</u>	1799 1800
This division shall apply notwithstanding a provision of a code of ethics applicable to an occupational therapist that prohibits an occupational therapist from engaging in the practice of occupational therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, mechanotherapy, medicine and surgery,	1801 1802 1803 1804 1805 1806 1807 1808

osteopathic medicine and surgery, podiatric medicine and 1809  
surgery, professional counseling, social work, ~~or~~ marriage and 1810  
family therapy, or art therapy but who is not also licensed, 1811  
certificated, or otherwise legally authorized to engage in the 1812  
practice of occupational therapy. 1813

**Sec. 4755.471.** (A) An individual whom the physical therapy 1814  
section of the Ohio occupational therapy, physical therapy, and 1815  
athletic trainers board licenses, certificates, or otherwise 1816  
legally authorizes to engage in the practice of physical therapy 1817  
may render the professional services of a physical therapist 1818  
within this state through a corporation formed under division 1819  
(B) of section 1701.03 of the Revised Code, a limited liability 1820  
company formed under Chapter 1705. of the Revised Code, a 1821  
partnership, or a professional association formed under Chapter 1822  
1785. of the Revised Code. This division does not preclude an 1823  
individual of that nature from rendering professional services 1824  
as a physical therapist through another form of business entity, 1825  
including, but not limited to, a nonprofit corporation or 1826  
foundation, or in another manner that is authorized by or in 1827  
accordance with sections 4755.40 to 4755.53 of the Revised Code, 1828  
another chapter of the Revised Code, or rules of the Ohio 1829  
occupational therapy, physical therapy, and athletic trainers 1830  
board adopted pursuant to sections 4755.40 to 4755.53 of the 1831  
Revised Code. 1832

(B) A corporation, limited liability company, partnership, 1833  
or professional association described in division (A) of this 1834  
section may be formed for the purpose of providing a combination 1835  
of the professional services of the following individuals who 1836  
are licensed, certificated, or otherwise legally authorized to 1837  
practice their respective professions: 1838

(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;	1839 1840
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	1841 1842 1843
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	1844 1845
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	1846 1847 1848 1849
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	1850 1851
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	1852 1853 1854
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	1855 1856 1857
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	1858 1859
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	1860 1861 1862 1863
(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage	1864 1865 1866

and family therapists who are authorized for their respective 1867  
practices under Chapter 4757. of the Revised Code; 1868

(11) Art therapists who are authorized to practice art 1869  
therapy under Chapter 4785. of the Revised Code. 1870

This division shall apply notwithstanding a provision of a 1871  
code of ethics applicable to a physical therapist that prohibits 1872  
a physical therapist from engaging in the practice of physical 1873  
therapy in combination with a person who is licensed, 1874  
certificated, or otherwise legally authorized to practice 1875  
optometry, chiropractic, acupuncture through the state 1876  
chiropractic board, psychology, nursing, pharmacy, occupational 1877  
therapy, mechanotherapy, medicine and surgery, osteopathic 1878  
medicine and surgery, podiatric medicine and surgery, 1879  
professional counseling, social work, ~~or~~ marriage and family 1880  
therapy, or art therapy, but who is not also licensed, 1881  
certificated, or otherwise legally authorized to engage in the 1882  
practice of physical therapy. 1883

**Sec. 4757.37.** (A) An individual whom the counselor, social 1884  
worker, and marriage and family therapist board licenses, 1885  
certificates, or otherwise legally authorizes to engage in the 1886  
practice of professional counseling, social work, or marriage 1887  
and family therapy may render the professional services of a 1888  
licensed professional clinical counselor, licensed professional 1889  
counselor, independent social worker, social worker, independent 1890  
marriage and family therapist, or marriage and family therapist 1891  
within this state through a corporation formed under division 1892  
(B) of section 1701.03 of the Revised Code, a limited liability 1893  
company formed under Chapter 1705. of the Revised Code, a 1894  
partnership, or a professional association formed under Chapter 1895  
1785. of the Revised Code. This division does not preclude such 1896



an individual from rendering professional services as a licensed 1897  
professional clinical counselor, licensed professional 1898  
counselor, independent social worker, social worker, independent 1899  
marriage and family therapist, or marriage and family therapist 1900  
through another form of business entity, including, but not 1901  
limited to, a nonprofit corporation or foundation, or in another 1902  
manner that is authorized by or in accordance with this chapter, 1903  
another chapter of the Revised Code, or rules of the counselor, 1904  
social worker, and marriage and family therapist board adopted 1905  
pursuant to this chapter. 1906

(B) A corporation, limited liability company, partnership, 1907  
or professional association described in division (A) of this 1908  
section may be formed for the purpose of providing a combination 1909  
of the professional services of the following individuals who 1910  
are licensed, certificated, or otherwise legally authorized to 1911  
practice their respective professions: 1912

(1) Optometrists who are authorized to practice optometry 1913  
under Chapter 4725. of the Revised Code; 1914

(2) Chiropractors who are authorized to practice 1915  
chiropractic or acupuncture under Chapter 4734. of the Revised 1916  
Code; 1917

(3) Psychologists who are authorized to practice 1918  
psychology under Chapter 4732. of the Revised Code; 1919

(4) Registered or licensed practical nurses who are 1920  
authorized to practice nursing as registered nurses or as 1921  
licensed practical nurses under Chapter 4723. of the Revised 1922  
Code; 1923

(5) Pharmacists who are authorized to practice pharmacy 1924  
under Chapter 4729. of the Revised Code; 1925

(6) Physical therapists who are authorized to practice 1926  
physical therapy under sections 4755.40 to 4755.56 of the 1927  
Revised Code; 1928

(7) Occupational therapists who are authorized to practice 1929  
occupational therapy under sections 4755.04 to 4755.13 of the 1930  
Revised Code; 1931

(8) Mechanotherapists who are authorized to practice 1932  
mechanotherapy under section 4731.151 of the Revised Code; 1933

(9) Doctors of medicine and surgery, osteopathic medicine 1934  
and surgery, or podiatric medicine and surgery who are 1935  
authorized for their respective practices under Chapter 4731. of 1936  
the Revised Code; 1937

(10) Licensed professional clinical counselors, licensed 1938  
professional counselors, independent social workers, social 1939  
workers, independent marriage and family therapists, or marriage 1940  
and family therapists who are authorized for their respective 1941  
practices under this chapter; 1942

(11) Art therapists who are authorized to practice art 1943  
therapy under Chapter 4785. of the Revised Code. 1944

This division applies notwithstanding a provision of a 1945  
code of ethics applicable to an individual who is a licensed 1946  
professional clinical counselor, licensed professional 1947  
counselor, independent social worker, social worker, independent 1948  
marriage and family therapist, or marriage and family therapist 1949  
that prohibits the individual from engaging in the individual's 1950  
practice in combination with a person who is licensed, 1951  
certificated, or otherwise legally authorized to practice 1952  
optometry, chiropractic, acupuncture through the state 1953  
chiropractic board, psychology, nursing, pharmacy, physical 1954

therapy, occupational therapy, mechanotherapy, medicine and 1955  
surgery, osteopathic medicine and surgery, ~~or~~ podiatric medicine 1956  
and surgery, or art therapy, but who is not also licensed, 1957  
certificated, or otherwise legally authorized to engage in the 1958  
practice of professional counseling, social work, or marriage 1959  
and family therapy. 1960

**Sec. 4776.01.** As used in this chapter: 1961

(A) "License" means an authorization evidenced by a 1962  
license, certificate, registration, permit, card, or other 1963  
authority that is issued or conferred by a licensing agency to a 1964  
licensee or to an applicant for an initial license by which the 1965  
licensee or initial license applicant has or claims the 1966  
privilege to engage in a profession, occupation, or occupational 1967  
activity, or, except in the case of the state dental board, to 1968  
have control of and operate certain specific equipment, 1969  
machinery, or premises, over which the licensing agency has 1970  
jurisdiction. 1971

(B) Except as provided in section 4776.20 of the Revised 1972  
Code, "licensee" means the person to whom the license is issued 1973  
by a licensing agency. "Licensee" includes a person who, for 1974  
purposes of section 3796.13 of the Revised Code, has complied 1975  
with sections 4776.01 to 4776.04 of the Revised Code and has 1976  
been determined by the department of commerce or state board of 1977  
pharmacy, as the applicable licensing agency, to meet the 1978  
requirements for employment. 1979

(C) Except as provided in section 4776.20 of the Revised 1980  
Code, "licensing agency" means any of the following: 1981

(1) The board authorized by Chapters 4701., 4717., 4725., 1982  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 1983

4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., 1984  
~~and 4783., and 4785.~~ of the Revised Code to issue a license to 1985  
engage in a specific profession, occupation, or occupational 1986  
activity, or to have charge of and operate certain specific 1987  
equipment, machinery, or premises. 1988

(2) The state dental board, relative to its authority to 1989  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 1990  
or 4715.27 of the Revised Code; 1991

(3) The department of commerce or state board of pharmacy, 1992  
relative to its authority under Chapter 3796. of the Revised 1993  
Code and any rules adopted under that chapter with respect to a 1994  
person who is subject to section 3796.13 of the Revised Code. 1995

(D) "Applicant for an initial license" includes persons 1996  
seeking a license for the first time and persons seeking a 1997  
license by reciprocity, endorsement, or similar manner of a 1998  
license issued in another state. "Applicant for an initial 1999  
license" also includes a person who, for purposes of section 2000  
3796.13 of the Revised Code, is required to comply with sections 2001  
4776.01 to 4776.04 of the Revised Code. 2002

(E) "Applicant for a restored license" includes persons 2003  
seeking restoration of a license under section 4730.14, 2004  
4731.281, 4760.06, or 4762.06 of the Revised Code. 2005

(F) "Criminal records check" has the same meaning as in 2006  
section 109.572 of the Revised Code. 2007

**Sec. 4776.20.** (A) As used in this section: 2008

(1) "Licensing agency" means, in addition to each board 2009  
identified in division (C) of section 4776.01 of the Revised 2010  
Code, the board or other government entity authorized to issue a 2011  
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 2012

4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 2013  
4742., 4747., 4749., 4751., 4752., 4753., 4758., 4759., 4763., 2014  
4765., 4766., 4771., 4773., ~~and 4781.~~ and 4785. of the Revised 2015  
Code. "Licensing agency" includes an administrative officer that 2016  
has authority to issue a license. 2017

(2) "Licensee" means, in addition to a licensee as 2018  
described in division (B) of section 4776.01 of the Revised 2019  
Code, the person to whom a license is issued by the board or 2020  
other government entity authorized to issue a license under 2021  
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 2022  
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 2023  
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 4766., 2024  
4771., 4773., ~~and 4781.~~ and 4785. of the Revised Code. 2025

(3) "Prosecutor" has the same meaning as in section 2026  
2935.01 of the Revised Code. 2027

(B) On a licensee's conviction of, plea of guilty to, 2028  
judicial finding of guilt of, or judicial finding of guilt 2029  
resulting from a plea of no contest to the offense of 2030  
trafficking in persons in violation of section 2905.32 of the 2031  
Revised Code, the prosecutor in the case shall promptly notify 2032  
the licensing agency of the conviction, plea, or finding and 2033  
provide the licensee's name and residential address. On receipt 2034  
of this notification, the licensing agency shall immediately 2035  
suspend the licensee's license. 2036

(C) If there is a conviction of, plea of guilty to, 2037  
judicial finding of guilt of, or judicial finding of guilt 2038  
resulting from a plea of no contest to the offense of 2039  
trafficking in persons in violation of section 2905.32 of the 2040  
Revised Code and all or part of the violation occurred on the 2041  
premises of a facility that is licensed by a licensing agency, 2042

the prosecutor in the case shall promptly notify the licensing 2043  
agency of the conviction, plea, or finding and provide the 2044  
facility's name and address and the offender's name and 2045  
residential address. On receipt of this notification, the 2046  
licensing agency shall immediately suspend the facility's 2047  
license. 2048

(D) Notwithstanding any provision of the Revised Code to 2049  
the contrary, the suspension of a license under division (B) or 2050  
(C) of this section shall be implemented by a licensing agency 2051  
without a prior hearing. After the suspension, the licensing 2052  
agency shall give written notice to the subject of the 2053  
suspension of the right to request a hearing under Chapter 119. 2054  
of the Revised Code. After a hearing is held, the licensing 2055  
agency shall either revoke or permanently revoke the license of 2056  
the subject of the suspension, unless it determines that the 2057  
license holder has not been convicted of, pleaded guilty to, 2058  
been found guilty of, or been found guilty based on a plea of no 2059  
contest to the offense of trafficking in persons in violation of 2060  
section 2905.32 of the Revised Code. 2061

**Sec. 4785.01. As used in this chapter:** 2062

(A) (1) "Art therapy" means the integrated use of 2063  
psychotherapeutic principles and methods with art media and the 2064  
creative process to assist individuals, families, or groups in 2065  
doing any of the following: 2066

(a) Improving cognitive and sensory-motor functions; 2067

(b) Increasing self-awareness and self-esteem; 2068

(c) Coping with grief and traumatic experiences; 2069

(d) Enhancing cognitive abilities; 2070

<u>(e) Resolving conflicts and distress;</u>	2071
<u>(f) Enhancing social functioning;</u>	2072
<u>(g) Identifying and assessing clients' needs to implement therapeutic intervention to meet developmental, behavioral, mental, and emotional needs.</u>	2073 2074 2075
<u>(2) "Art therapy" includes therapeutic intervention to facilitate alternative modes of receptive and expressive communication and evaluation and assessment to define and implement art-based treatment plans to address cognitive, behavioral, developmental, and emotional needs.</u>	2076 2077 2078 2079 2080
<u>(B) "Practice of art therapy" means the rendering or offering to render art therapy in the diagnosis, prevention, or treatment of cognitive, developmental, emotional, or behavioral disabilities or conditions.</u>	2081 2082 2083 2084
<u>(C) "Licensee" means a person who is licensed to practice art therapy under this chapter.</u>	2085 2086
<u>(D) "Client" means a person who receives art therapy from a licensee.</u>	2087 2088
<b>Sec. 4785.02.</b> <u>(A) No person shall recklessly engage in the practice of art therapy or use the title "art therapist" or a similar title unless the person is licensed under this chapter.</u>	2089 2090 2091
<u>(B) This chapter does not apply to any of the following persons:</u>	2092 2093
<u>(1) A student who engages in the supervised practice of art therapy as part of an art therapy program at an accredited educational institution, if the person does not represent the person's self as an art therapist;</u>	2094 2095 2096 2097

(2) A person who holds a professional license in this state, or an employee who is supervised by a person who holds a professional license in this state, who engages in the practice of art therapy in a manner that is incidental to the practice of the person's or employee's profession, if the person does not represent the person's or employee's self as an art therapist; 2098  
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(3) A person who on the effective date of this section engaged in the practice of art therapy as an employee of a government agency, and continues to do so only during the person's continued employment by the agency, if the person does not represent the person's self as an art therapist; 2104  
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(4) A person who engages in the practice of art therapy as part of the postgraduate supervised clinical experience described in division (B) (4) of section 4785.06 of the Revised Code. 2109  
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**Sec. 4785.03.** The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter. 2113  
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**Sec. 4785.04.** (A) There is hereby created the art therapist policy committee of the state medical board. The committee shall provide the board with expertise and assistance in carrying out its duties pursuant to this chapter. Not later than sixty days after the effective date of this section, the president of the board shall appoint the members of the committee. The committee shall consist of the following members: 2116  
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(1) Three members who are licensees under this chapter appointed from a list of individuals recommended by the buckeye art therapy association or its successor organization; 2123  
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(2) One member who is a physician or surgeon and who is a 2126



member of the board who has served at least one year as a member 2127  
of the board; 2128

(3) One member who is a member of the board appointed 2129  
under section 4731.01 of the Revised Code to represent the 2130  
interests of consumers and who has served at least one year as a 2131  
member of the board; 2132

(4) Additional members as the president considers 2133  
necessary. 2134

(B) (1) Members appointed under division (A) (1) of this 2135  
section shall be appointed for a term ending two years after the 2136  
effective date of this section. Thereafter, terms of office for 2137  
members appointed under that division shall be for two years. 2138  
Members appointed under that division may be reappointed, except 2139  
that such a member may not be appointed to serve more than three 2140  
consecutive terms. 2141

(2) Members appointed under divisions (A) (2) and (3) of 2142  
this section shall be appointed for a term ending one year after 2143  
the effective date of this section. Thereafter, terms of office 2144  
for members appointed under those divisions shall be for one 2145  
year. Members appointed under those divisions may be reappointed 2146  
at the discretion of the president of the board. 2147

(C) Each member shall hold office from the date of 2148  
appointment until the end of the term for which the member was 2149  
appointed. Vacancies shall be filled in the same manner as 2150  
original appointments. Any member appointed to fill a vacancy 2151  
occurring before the expiration of the term for which the 2152  
member's predecessor was appointed shall hold office for the 2153  
remainder of the term. A member shall continue in office 2154  
subsequent to the expiration date of the member's term until a 2155

successor takes office, or until a period of sixty days has 2156  
elapsed, whichever occurs first. 2157

(D) Each member of the committee shall be reimbursed for 2158  
the member's necessary and actual expenses incurred in the 2159  
performance of official duties as a member. 2160

(E) The board may appoint assistants, clerical staff, or 2161  
other employees as necessary for the committee to perform its 2162  
duties adequately. 2163

(F) The committee shall meet at least once a year and at 2164  
such other times as determined by the board as necessary to 2165  
carry out its responsibilities. 2166

**Sec. 4785.05.** (A) The art therapist policy committee of 2167  
the state medical board shall review and submit to the board 2168  
recommendations on all of the following: 2169

(1) Requirements and procedures for issuing licenses under 2170  
this chapter; 2171

(2) Rules pertaining to the practice of art therapy and 2172  
the administration and enforcement of this chapter; 2173

(3) Standards for the ethical practice of art therapy that 2174  
shall include, as the committee finds appropriate, the code of 2175  
ethics, conduct, and disciplinary procedures adopted by the art 2176  
therapy credentials board, its successor organization, or an 2177  
equivalent organization recognized by the state medical board; 2178

(4) Standards and procedures for compliance with 2179  
continuing education requirements and approval of providers of 2180  
continuing education; 2181

(5) Fees required for issuance and renewal of licenses 2182  
under this chapter; 2183

(6) Any other issue the board considers necessary for the 2184  
administration and enforcement of this chapter. 2185

(B) The board shall take into consideration all 2186  
recommendations submitted by the committee before adopting any 2187  
rule under section 4785.03 of the Revised Code. Not later than 2188  
ninety days after receiving a recommendation from the committee, 2189  
the board shall approve or disapprove the recommendation and 2190  
notify the committee of its decision. If a recommendation is 2191  
disapproved, the board shall inform the committee of its reasons 2192  
for making that decision. The committee may resubmit the 2193  
recommendation after addressing the concerns expressed by the 2194  
board and modifying the disapproved recommendation accordingly. 2195  
Not later than ninety days after receiving a resubmitted 2196  
recommendation, the board shall approve or disapprove the 2197  
recommendation. There is no limit on the number of times the 2198  
committee may resubmit a recommendation for consideration by the 2199  
board. 2200

**Sec. 4785.06.** (A) A person seeking a license to practice 2201  
art therapy under this chapter shall submit to the state medical 2202  
board a completed application on a form prescribed by the state 2203  
medical board and an application fee in an amount to be 2204  
determined by the board in rules adopted pursuant to section 2205  
4785.03 of the Revised Code. 2206

The application shall include information the state 2207  
medical board considers necessary to process the application, 2208  
including evidence satisfactory to the state medical board that 2209  
the applicant meets the requirements specified in division (B) 2210  
of this section. No part of the application fee shall be 2211  
returned to the applicant or applied to another application. 2212

(B) To be eligible for a license to practice art therapy 2213

under this chapter, an applicant shall demonstrate to the state 2214  
medical board that the applicant meets all of the following 2215  
requirements: 2216

(1) The applicant is at least eighteen years of age. 2217

(2) The applicant is of good moral character. 2218

(3) The applicant has attained a master's degree or higher 2219  
degree from a graduate program in art therapy that one of the 2220  
following applies to at the time the degree was conferred: 2221

(a) The program is approved by the American art therapy 2222  
association or its successor organization. 2223

(b) The program is accredited by the commission on 2224  
accreditation of allied health education programs or its 2225  
successor organization. 2226

(c) The state medical board considers the program to be 2227  
substantially equivalent to a program approved or accredited 2228  
under division (B) (3) (a) or (b) of this section. 2229

(4) The applicant has completed at least two years of 2230  
postgraduate supervised clinical experience in the practice of 2231  
art therapy that meets the posteducation supervised art therapy 2232  
experience requirements that the art therapy credentials board, 2233  
its successor organization, or an equivalent organization 2234  
recognized by the state medical board required for an individual 2235  
to become a registered art therapist at the time the experience 2236  
was completed. 2237

(5) The applicant has a board certification in good 2238  
standing with the art therapy credentials board, its successor 2239  
organization, or an equivalent organization recognized by the 2240  
state medical board. 2241

(6) The applicant complies with sections 4776.01 to 2242  
4776.04 of the Revised Code. 2243

(7) The applicant has satisfied any other requirements 2244  
established by the state medical board in rules adopted under 2245  
section 4785.03 of the Revised Code. 2246

(C) The state medical board shall not grant to a person a 2247  
license to practice art therapy unless the board, in its 2248  
discretion, decides that the results of a criminal records check 2249  
do not make the person ineligible for a license under this 2250  
section. 2251

(D) Not later than sixty days after receiving a complete 2252  
application, the state medical board shall issue a license to 2253  
practice art therapy to an applicant if the state medical board 2254  
determines that the applicant satisfies the requirements of 2255  
division (B) of this section. An affirmative vote of at least 2256  
six members of the state medical board is required to determine 2257  
that an applicant meets the requirements. 2258

(E) The state medical board may waive the requirements of 2259  
division (B) of this section and issue a license to practice art 2260  
therapy to an applicant if, not later than one year following 2261  
the adoption of the initial rules adopted by the board under 2262  
section 4785.03 of the Revised Code, the applicant files an 2263  
application with the state medical board that includes evidence 2264  
satisfactory to the board that the applicant meets all of the 2265  
following requirements: 2266

(1) The applicant holds a credential in good standing with 2267  
the art therapy credentials board, its successor organization, 2268  
or an equivalent organization recognized by the state medical 2269  
board. 2270

(2) The applicant has practiced art therapy for at least 2271  
five years. 2272

(3) The applicant complies with sections 4776.01 to 2273  
4776.04 of the Revised Code. 2274

(4) The applicant satisfies any additional requirements 2275  
established by the state medical board in rules adopted under 2276  
section 4785.03 of the Revised Code. 2277

**Sec. 4785.07.** (A) A license issued under section 4785.06 2278  
of the Revised Code shall expire biennially and may be renewed 2279  
in accordance with this section. A licensee seeking to renew a 2280  
license to practice art therapy shall, on or before the thirty- 2281  
first day of January of each even-numbered year, apply for 2282  
renewal of the license. The state medical board shall provide 2283  
renewal notices at least one month before the expiration date. 2284

(B) A licensee shall submit a renewal application to the 2285  
state medical board in a manner prescribed by the board and a 2286  
renewal fee in an amount to be determined by the board in rules 2287  
adopted pursuant to section 4785.03 of the Revised Code. 2288

(C) To be eligible for renewal, a licensee shall certify 2289  
to the board that the licensee has done all of the following: 2290

(1) Maintained board certification with the art therapy 2291  
credentials board, its successor organization, or an equivalent 2292  
organization recognized by the state medical board; 2293

(2) Completed at least forty hours of the continuing 2294  
education that is required to maintain board certification with 2295  
the art therapy credentials board, its successor organization, 2296  
or an equivalent organization recognized by the state medical 2297  
board; 2298

(3) Report any criminal offense to which the applicant has 2299  
pleaded guilty, of which the licensee has been found guilty, or 2300  
for which the applicant has been found eligible for intervention 2301  
in lieu of conviction, since last signing an application for a 2302  
license under this chapter. 2303

(D) If a licensee submits a renewal application that the 2304  
state medical board considers to be complete and qualifies for 2305  
renewal pursuant to division (B) of this section, the state 2306  
medical board shall issue to the licensee a renewed license to 2307  
practice art therapy. 2308

(E) The state medical board may require a random sample of 2309  
licensees to submit materials documenting that the licensee has 2310  
complied with divisions (C) (1) and (2) of this section. If the 2311  
state medical board finds through the random sample or any other 2312  
means that a licensee has not complied with those divisions, the 2313  
board may refuse to renew the licensee's license or may take any 2314  
other action the board may take under this chapter. 2315

**Sec. 4785.08.** (A) A license to practice art therapy that 2316  
is not renewed on or before its expiration date is automatically 2317  
suspended on its expiration date. The continued practice of art 2318  
therapy after suspension of a license shall be considered a 2319  
violation of division (A) of section 4785.02 of the Revised 2320  
Code. 2321

(B) If a license has been suspended pursuant to division 2322  
(A) of this section, the state medical board shall reinstate the 2323  
license if the person qualifies for renewal pursuant to section 2324  
4785.07 of the Revised Code and pays a monetary penalty to be 2325  
established by the board. 2326

(C) If a license has been suspended pursuant to division 2327

(A) of this section for more than two years, the board may 2328  
impose terms and conditions for reinstatement in addition to 2329  
those specified in division (B) of this section, including the 2330  
following: 2331

(1) Requiring the applicant to pass an oral or written 2332  
examination, or both, to determine the applicant's fitness to 2333  
resume the practice of art therapy; 2334

(2) Requiring the applicant to obtain additional training 2335  
and to pass an examination on completion of the training; 2336

(3) Restricting or limiting the extent, scope, or type of 2337  
practice in which an applicant may engage. 2338

**Sec. 4785.09.** (A) A licensee may diagnose and treat 2339  
affective, behavioral, and cognitive disorders or problems 2340  
specified in the edition of the diagnostic and statistical 2341  
manual of mental disorders published by the American psychiatric 2342  
association designated by the state medical board in rules 2343  
adopted under section 4785.03 of the Revised Code. 2344

(B) A license issued under this chapter does not authorize 2345  
the licensee to do either of the following: 2346

(1) Administer or prescribe drugs; 2347

(2) Perform psychological testing intended to measure or 2348  
diagnose serious mental illness. 2349

**Sec. 4785.10.** (A) As used in this section: 2350

(1) "Willfully betraying a professional confidence" and 2351  
"false, fraudulent, deceptive, or misleading statement" have the 2352  
same meanings as in section 4731.22 of the Revised Code. 2353

(2) "Privileged communication" means any information 2354



obtained through the practice of art therapy, including client 2355  
records, artwork, verbal or artistic expressions, assessment 2356  
results, or assessment interpretations. 2357

(B) The state medical board, by an affirmative vote of not 2358  
fewer than six members, may limit, revoke, suspend, or refuse to 2359  
grant a license to practice art therapy to a person found by the 2360  
board to have committed fraud, misrepresentation, or deception 2361  
in applying for or securing the license. 2362

(C) The board, by an affirmative vote of not fewer than 2363  
six members, shall, to the extent permitted by law, limit, 2364  
revoke, suspend, or refuse to issue, renew, or reinstate a 2365  
license, or reprimand or place on probation a licensee for any 2366  
of the following reasons: 2367

(1) Failure to comply with the requirements of this 2368  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 2369  
by the board; 2370

(2) Permitting the licensee's name or license to be used 2371  
by another person; 2372

(3) Failure to employ acceptable scientific methods in the 2373  
selection of modalities for treatment provided under a license 2374  
to practice art therapy; 2375

(4) A plea of guilty to, a judicial finding of guilt of, 2376  
or a judicial finding of eligibility for intervention in lieu of 2377  
conviction for, a violation of any federal or state law 2378  
regulating the possession, distribution, or use of any drug; 2379

(5) Willfully betraying a professional confidence; 2380

(6) Making a false, fraudulent, deceptive, or misleading 2381  
statement in the solicitation of or advertising for clients; in 2382

relation to the practice of art therapy; or in securing or 2383  
attempting to secure any license or certificate to practice 2384  
issued by the board; 2385

(7) A departure from, or the failure to conform to, 2386  
minimal standards of care of similar practitioners under the 2387  
same or similar circumstances, whether or not actual injury to a 2388  
client is established; 2389

(8) Representing, with the purpose of obtaining 2390  
compensation or other advantage as personal gain or for any 2391  
other person, that an incurable disease or injury, or other 2392  
incurable condition, can be permanently cured; 2393

(9) The obtaining of, or attempting to obtain, money or 2394  
anything of value by fraudulent misrepresentations in the course 2395  
of the practice of art therapy; 2396

(10) A plea of guilty to, a judicial finding of guilt of, 2397  
or a judicial finding of eligibility for intervention in lieu of 2398  
conviction for, a felony; 2399

(11) Commission of an act that constitutes a felony in 2400  
this state, regardless of the jurisdiction in which the act was 2401  
committed; 2402

(12) A plea of guilty to, a judicial finding of guilt of, 2403  
or a judicial finding of eligibility for intervention in lieu of 2404  
conviction for, a misdemeanor committed in the course of the 2405  
practice of art therapy; 2406

(13) Commission of an act in the course of the practice of 2407  
art therapy that constitutes a misdemeanor in this state, 2408  
regardless of the jurisdiction in which the act was committed; 2409

(14) A plea of guilty to, a judicial finding of guilt of, 2410

<u>or a judicial finding of eligibility for intervention in lieu of</u>	2411
<u>conviction for, a misdemeanor involving moral turpitude;</u>	2412
<u>(15) Commission of an act involving moral turpitude that</u>	2413
<u>constitutes a misdemeanor in this state, regardless of the</u>	2414
<u>jurisdiction in which the act was committed;</u>	2415
<u>(16) Violation of the conditions of limitation placed by</u>	2416
<u>the board on a license to practice art therapy;</u>	2417
<u>(17) Failure to pay license renewal fees required by this</u>	2418
<u>chapter;</u>	2419
<u>(18) Inability to practice art therapy according to</u>	2420
<u>acceptable and prevailing standards of care by reason of mental</u>	2421
<u>illness or physical illness, including physical deterioration</u>	2422
<u>that adversely affects cognitive, motor, or perceptive skills;</u>	2423
<u>(19) Impairment of ability to practice art therapy</u>	2424
<u>according to acceptable and prevailing standards of care because</u>	2425
<u>of habitual or excessive use or abuse of drugs, alcohol, or</u>	2426
<u>other substances that impair the ability to practice;</u>	2427
<u>(20) Failure to maintain the confidentiality of privileged</u>	2428
<u>communications without the written consent of a client or a</u>	2429
<u>client's parent or guardian, as applicable, unless otherwise</u>	2430
<u>required by law, court order, or necessity to protect public</u>	2431
<u>health and safety;</u>	2432
<u>(21) Failure to comply with the continuing education</u>	2433
<u>requirements necessary to renew a license to practice art</u>	2434
<u>therapy;</u>	2435
<u>(22) Failure to comply with any standards for the ethical</u>	2436
<u>practice of art therapy that the board adopts under section</u>	2437
<u>4785.03 of the Revised Code;</u>	2438

(23) Failure to cooperate in an investigation conducted by the board under division (E) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview. 2439  
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(D) Disciplinary actions taken by the board under divisions (B) and (C) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a person to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement are of no force or effect. 2444  
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(E) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. Investigations of alleged violations of this chapter or any rule adopted under it shall be conducted by the board in the same manner as the board conducts investigations under divisions (F) and (G) of section 4731.22 of the Revised Code. 2456  
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(F) Notwithstanding any provision of the Revised Code to the contrary, all of the following apply: 2466  
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(1) The surrender of a license issued under this chapter 2468

is not effective until accepted by the board. A telephone 2469  
conference call may be used for acceptance of the surrender of a 2470  
person's license to practice art therapy. The telephone 2471  
conference call shall be considered a special meeting under 2472  
division (F) of section 121.22 of the Revised Code. 2473

Reinstatement of a license to practice art therapy surrendered 2474  
to the board requires an affirmative vote of not fewer than six 2475  
members of the board. 2476

(2) An application for a license to practice art therapy 2477  
under this chapter may not be withdrawn without approval of the 2478  
board. 2479

(3) Failure of a person to renew a license to practice art 2480  
therapy in accordance with section 4785.07 of the Revised Code 2481  
does not remove or limit the board's jurisdiction to take any 2482  
disciplinary action under this section against the person. 2483

**Sec. 4785.11.** (A) If a licensee violates any provision of 2484  
this chapter or any rule adopted under it, the state medical 2485  
board may, pursuant to an adjudication under Chapter 119. of the 2486  
Revised Code and an affirmative vote of not fewer than six of 2487  
its members, impose a civil penalty. The amount of the civil 2488  
penalty shall be determined by the board in accordance with the 2489  
guidelines adopted under division (B) of this section. 2490

(B) The board shall adopt and may amend guidelines 2491  
regarding the amounts of civil penalties to be imposed under 2492  
this section. Adoption or amendment of the guidelines requires 2493  
the approval of not fewer than six board members. 2494

(C) Amounts received from payment of civil penalties 2495  
imposed under this section shall be deposited by the board in 2496  
accordance with section 4731.24 of the Revised Code. Amounts 2497

received from payment of civil penalties imposed for violations 2498  
of division (C)(19) of section 4785.10 of the Revised Code shall 2499  
be used by the board solely for investigations, enforcement, and 2500  
compliance monitoring. 2501

**Sec. 4785.12.** On receipt of a notice pursuant to section 2502  
3123.43 of the Revised Code, the state medical board shall 2503  
comply with sections 3123.41 to 3123.50 of the Revised Code and 2504  
any applicable rules adopted under section 3123.63 of the 2505  
Revised Code with respect to a license to practice art therapy 2506  
issued under this chapter. 2507

**Sec. 4785.13.** The state medical board shall comply with 2508  
section 4776.20 of the Revised Code. 2509

**Sec. 4785.14.** (A) A licensee may practice art therapy 2510  
within this state through a corporation formed under division 2511  
(B) of section 1701.03 of the Revised Code, a limited liability 2512  
company formed under Chapter 1705. of the Revised Code, a 2513  
partnership, or a professional association formed under Chapter 2514  
1785. of the Revised Code. This division does not preclude a 2515  
licensee from practicing art therapy through another form of 2516  
business entity, including a nonprofit corporation or 2517  
foundation, or in another manner that is authorized by or in 2518  
accordance with this chapter, another chapter of the Revised 2519  
Code, or rules of the state medical board adopted pursuant to 2520  
this chapter. 2521

(B) A corporation, limited liability company, partnership, 2522  
or professional association described in division (A) of this 2523  
section may be formed for the purpose of providing a combination 2524  
of the professional services of the following individuals who 2525  
are licensed, certificated, or otherwise legally authorized to 2526  
practice their respective professions: 2527

<u>(1) Optometrists who are authorized to practice optometry</u>	2528
<u>under Chapter 4725. of the Revised Code;</u>	2529
<u>(2) Chiropractors who are authorized to practice</u>	2530
<u>chiropractic or acupuncture under Chapter 4734. of the Revised</u>	2531
<u>Code;</u>	2532
<u>(3) Psychologists who are authorized to practice</u>	2533
<u>psychology under Chapter 4732. of the Revised Code;</u>	2534
<u>(4) Registered or licensed practical nurses who are</u>	2535
<u>authorized to practice nursing as registered nurses or as</u>	2536
<u>licensed practical nurses under Chapter 4723. of the Revised</u>	2537
<u>Code;</u>	2538
<u>(5) Pharmacists who are authorized to practice pharmacy</u>	2539
<u>under Chapter 4729. of the Revised Code;</u>	2540
<u>(6) Physical therapists who are authorized to practice</u>	2541
<u>physical therapy under sections 4755.40 to 4755.56 of the</u>	2542
<u>Revised Code;</u>	2543
<u>(7) Occupational therapists who are authorized to practice</u>	2544
<u>occupational therapy under sections 4755.04 to 4755.13 of the</u>	2545
<u>Revised Code;</u>	2546
<u>(8) Mechanotherapists who are authorized to practice</u>	2547
<u>mechanotherapy under section 4731.151 of the Revised Code;</u>	2548
<u>(9) Doctors of medicine and surgery, osteopathic medicine</u>	2549
<u>and surgery, or podiatric medicine and surgery who are</u>	2550
<u>authorized for their respective practices under Chapter 4731. of</u>	2551
<u>the Revised Code;</u>	2552
<u>(10) Licensed professional clinical counselors, licensed</u>	2553
<u>professional counselors, independent social workers, social</u>	2554
<u>workers, independent marriage and family therapists, or marriage</u>	2555

and family therapists who are authorized for their respective 2556  
practices under Chapter 4757. of the Revised Code; 2557

(11) Art therapists who are authorized to practice art 2558  
therapy under this chapter. 2559

This division shall apply notwithstanding a provision of a 2560  
code of ethics applicable to a licensee that prohibits the 2561  
individual from engaging in the practice of art therapy in 2562  
combination with a person who is licensed, certificated, or 2563  
otherwise legally authorized to engage in the practice of 2564  
optometry, chiropractic, acupuncture through the state 2565  
chiropractic board, psychology, nursing, pharmacy, physical 2566  
therapy, occupational therapy, mechanotherapy, medicine and 2567  
surgery, osteopathic medicine and surgery, podiatric medicine 2568  
and surgery, professional counseling, social work, or marriage 2569  
and family therapy, but who is not also licensed to engage in 2570  
the practice of art therapy. 2571

**Sec. 4785.99.** Whoever violates division (A) of section 2572  
4785.02 of the Revised Code is guilty of a felony of the fifth 2573  
degree on a first offense; on each subsequent offense, such 2574  
person is guilty of a felony of the fourth degree. 2575

**Section 2.** That existing sections 109.572, 1701.03, 2576  
1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 2577  
4723.16, 4725.33, 4729.161, 4731.07, 4731.071, 4731.226, 2578  
4731.24, 4731.25, 4731.65, 4732.28, 4734.17, 4755.111, 4755.471, 2579  
4757.37, 4776.01, and 4776.20 of the Revised Code are hereby 2580  
repealed. 2581

**Section 3.** Division (A) of section 4785.02 of the Revised 2582  
Code, as enacted by this act, takes effect one year after the 2583  
effective date of this act. 2584



**Section 4.** Notwithstanding division (A) (1) of section 2585  
4785.04 of the Revised Code, as enacted by this act, initial 2586  
appointments to the Art Therapist Policy Committee need not be a 2587  
licensee under the act if the appointees hold board 2588  
certification with the Art Therapy Credentials Board, its 2589  
successor organization, or an equivalent organization recognized 2590  
by the State Medical Board and meet the eligibility requirements 2591  
for licensure under divisions (B) (1) to (6) of section 4785.06 2592  
of the Revised Code, as enacted by this act. 2593